

POLITICAL PROCEDURES AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends political procedures provisions in the Election Code and in code provisions relating to local government entities.

Highlighted Provisions:

This bill:

- ▶ modifies and standardizes notice requirements relating to incorporation or dissolution of a municipality, annexation and other municipal boundary changes, and elections;
- ▶ modifies and clarifies deadlines in the Election Code;
- ▶ modifies procedures, and clarifies length limitations, for arguments for or against a ballot proposition;
- ▶ requires at least two poll workers to perform certain tasks relating to the handling and delivery of ballots;
- ▶ clarifies residency requirements for a local school board candidate; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-2-406, as last amended by Laws of Utah 2009, Chapters 218 and 388

10-2-407, as last amended by Laws of Utah 2015, Chapter 352

10-2-413, as last amended by Laws of Utah 2015, Chapter 352

10-2-415, as last amended by Laws of Utah 2015, Chapter 352

10-2-418, as last amended by Laws of Utah 2017, Chapter 367

10-2-419, as last amended by Laws of Utah 2018, Chapter 401

33 **10-2-501**, as last amended by Laws of Utah 2016, Chapter 406
34 **10-2-502.5**, as last amended by Laws of Utah 2016, Chapter 406
35 **10-2-607**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5
36 **10-2-703**, as last amended by Laws of Utah 2009, Chapter 388
37 **10-2-708**, as last amended by Laws of Utah 2009, Chapter 388
38 **10-2a-207**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and
39 amended by Laws of Utah 2015, Chapter 352
40 **10-2a-210**, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered
41 and amended by Laws of Utah 2015, Chapter 352
42 **10-2a-213**, as renumbered and amended by Laws of Utah 2015, Chapter 352
43 **10-2a-214**, as last amended by Laws of Utah 2017, Chapter 91
44 **10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and
45 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination
46 Clause, Laws of Utah 2015, Chapter 352
47 **10-2a-303**, as last amended by Laws of Utah 2017, Chapter 452
48 **10-2a-304**, as last amended by Laws of Utah 2017, Chapter 452
49 **10-2a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 352 and
50 repealed and reenacted by Laws of Utah 2015, Chapter 111
51 **10-2a-305.1**, as last amended by Laws of Utah 2018, Chapter 11
52 **10-2a-305.2**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by
53 Coordination Clause, Laws of Utah 2015, Chapter 352
54 **10-7-19**, as last amended by Laws of Utah 2009, Chapter 388
55 **11-14-202**, as last amended by Laws of Utah 2018, Chapter 415 and last amended by
56 Coordination Clause, Laws of Utah 2018, Chapter 403
57 **17B-1-303**, as last amended by Laws of Utah 2017, Chapter 112
58 **17B-1-306**, as last amended by Laws of Utah 2018, Chapter 11
59 **17B-1-1001**, as last amended by Laws of Utah 2018, Chapter 11
60 **17B-1-1003**, as last amended by Laws of Utah 2018, Chapter 11
61 **17B-2a-705**, as last amended by Laws of Utah 2013, Chapter 415
62 **17D-3-305**, as last amended by Laws of Utah 2009, Chapter 388
63 **20A-1-206**, as last amended by Laws of Utah 2012, Chapter 97

64 **20A-1-503**, as last amended by Laws of Utah 2011, Chapters 327 and 340
65 **20A-1-508**, as last amended by Laws of Utah 2018, Chapters 68 and 199
66 **20A-1-509.1**, as last amended by Laws of Utah 2011, Chapters 297 and 327
67 **20A-1-509.2**, as last amended by Laws of Utah 2013, Chapter 237
68 **20A-1-511**, as last amended by Laws of Utah 2017, Chapter 61
69 **20A-1-513**, as enacted by Laws of Utah 2011, Chapter 42
70 **20A-2-202**, as last amended by Laws of Utah 2018, Chapter 206
71 **20A-2-204**, as last amended by Laws of Utah 2018, Chapter 206
72 **20A-2-205**, as last amended by Laws of Utah 2018, Chapter 206
73 **20A-2-301**, as last amended by Laws of Utah 2011, Chapter 335
74 **20A-2-306**, as last amended by Laws of Utah 2018, Chapters 206 and 270
75 **20A-3-302**, as last amended by Laws of Utah 2018, Chapter 206 and last amended by
76 Coordination Clause, Laws of Utah 2018, Chapter 464
77 **20A-3-304**, as last amended by Laws of Utah 2018, Chapter 206
78 **20A-3-306**, as last amended by Laws of Utah 2018, Chapter 206
79 **20A-3-306.5**, as last amended by Laws of Utah 2013, Chapter 219
80 **20A-3-604**, as last amended by Laws of Utah 2018, Chapter 195 and last amended by
81 Coordination Clause, Laws of Utah 2018, Chapter 403
82 **20A-4-104**, as last amended by Laws of Utah 2018, Chapter 274
83 **20A-4-107**, as last amended by Laws of Utah 2018, Chapters 80, 206, and 281
84 **20A-4-201**, as last amended by Laws of Utah 2011, Chapter 297
85 **20A-4-202**, as last amended by Laws of Utah 2018, Chapter 274
86 **20A-4-304**, as last amended by Laws of Utah 2018, Chapter 187
87 **20A-4-401**, as last amended by Laws of Utah 2018, Chapter 187
88 **20A-5-101**, as last amended by Laws of Utah 2018, Chapter 80 and last amended by
89 Coordination Clause, Laws of Utah 2018, Chapter 403
90 **20A-5-405**, as last amended by Laws of Utah 2009, Chapter 388
91 **20A-5-604**, as last amended by Laws of Utah 2007, Chapter 75
92 **20A-5-605**, as last amended by Laws of Utah 2007, Chapter 75
93 **20A-6-106**, as last amended by Laws of Utah 2011, Chapter 327

94 **20A-6-302**, as last amended by Laws of Utah 2014, Chapter 17
95 **20A-7-202.5**, as last amended by Laws of Utah 2017, Chapter 291
96 **20A-7-204.1**, as last amended by Laws of Utah 2017, Chapter 291
97 **20A-7-205**, as last amended by Laws of Utah 2011, Chapter 17
98 **20A-7-206**, as last amended by Laws of Utah 2013, Chapter 231
99 **20A-7-302**, as last amended by Laws of Utah 1995, Chapter 153
100 **20A-7-305**, as last amended by Laws of Utah 2011, Chapter 17
101 **20A-7-306**, as last amended by Laws of Utah 2011, Chapter 17
102 **20A-7-402**, as last amended by Laws of Utah 2017, Chapters 91, 147, and 291
103 **20A-7-506**, as last amended by Laws of Utah 2012, Chapter 72
104 **20A-7-601**, as last amended by Laws of Utah 2016, Chapter 365
105 **20A-7-606**, as last amended by Laws of Utah 2016, Chapter 365
106 **20A-7-613**, as last amended by Laws of Utah 2016, Chapters 350, 365, and 367
107 **20A-7-704**, as last amended by Laws of Utah 2017, Chapter 147
108 **20A-7-705**, as last amended by Laws of Utah 2017, Chapter 147
109 **20A-7-706**, as last amended by Laws of Utah 2012, Chapter 334
110 **20A-7-801**, as last amended by Laws of Utah 2013, Chapters 182, 219 and last
111 amended by Coordination Clause, Laws of Utah 2013, Chapter 182
112 **20A-8-103**, as last amended by Laws of Utah 2017, Chapter 91
113 **20A-8-106**, as last amended by Laws of Utah 1996, Chapter 213
114 **20A-8-401**, as last amended by Laws of Utah 2013, Chapter 170
115 **20A-8-402**, as last amended by Laws of Utah 2011, Chapters 35 and 396
116 **20A-8-402.5**, as enacted by Laws of Utah 2018, Chapter 80
117 **20A-8-404**, as last amended by Laws of Utah 2011, Chapter 117
118 **20A-9-202**, as last amended by Laws of Utah 2018, Chapter 11
119 **20A-9-203**, as last amended by Laws of Utah 2018, Chapters 11 and 365
120 **20A-9-404**, as last amended by Laws of Utah 2018, Chapters 187 and 274
121 **20A-9-407**, as last amended by Laws of Utah 2018, Chapters 11 and 19
122 **20A-9-408**, as last amended by Laws of Utah 2018, Chapter 11
123 **20A-9-504**, as last amended by Laws of Utah 2018, Chapter 11
124 **20A-9-601**, as last amended by Laws of Utah 2018, Chapters 11 and 80

125 **20A-11-105**, as enacted by Laws of Utah 2015, Chapter 435
 126 **20A-11-601**, as last amended by Laws of Utah 2018, Chapter 83
 127 **20A-11-801**, as last amended by Laws of Utah 2018, Chapter 83
 128 **20A-12-305**, as last amended by Laws of Utah 2011, Chapter 396
 129 **20A-13-301**, as last amended by Laws of Utah 2011, Third Special Session, Chapter 2
 130 **20A-14-202**, as last amended by Laws of Utah 2016, Chapter 144
 131 **20A-15-103**, as enacted by Laws of Utah 1995, Chapter 1
 132 **20A-16-403**, as enacted by Laws of Utah 2011, Chapter 327
 133 **62A-5-202.5**, as last amended by Laws of Utah 2018, Chapter 401
 134 **63A-5-204**, as last amended by Laws of Utah 2018, Chapter 401
 135 **63I-2-210**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 6
 136 **63I-2-220**, as last amended by Laws of Utah 2018, Chapters 187 and 458

137 RENUMBERS AND AMENDS:

138 **20A-1-104**, (Renumbered from 20A-1-401, as last amended by Laws of Utah 2011,
 139 Chapter 297)

140

141 *Be it enacted by the Legislature of the state of Utah:*

142 Section 1. Section **10-2-406** is amended to read:

143 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

144 (1) After receipt of the notice of certification from the city recorder or town clerk under
 145 Subsection 10-2-405(2)(c)(i), the municipal legislative body shall publish notice:

146 [~~(a) (i) publish a notice:~~]

147 [~~(A)~~] (a) (i) at least once a week for three successive weeks, beginning no later than 10
 148 days after [~~receipt of~~] the day on which the municipal legislative body receives the notice of
 149 certification, in a newspaper of general circulation within:

150 [~~(B)~~] (A) the area proposed for annexation; and

151 [~~(B)~~] (B) the unincorporated area within 1/2 mile of the area proposed for annexation;

152 [~~and~~]

153 [~~(B) in accordance with Section 45-1-101, for three weeks, beginning no later than 10~~
 154 ~~days after receipt of the notice of certification; and]~~

~~[(ii) in accordance with Subsection (1)(a)(i)(A), if there is no newspaper of general circulation within those areas, post written notices in conspicuous places within those areas that are most likely to give notice to residents within those areas; and]~~

~~[(b) within 20 days of receipt of the notice of certification under Subsection 10-2-405(2)(c)(i), mail written notice to each affected entity.]~~

(ii) if there is no newspaper of general circulation in the combined area described in Subsections (1)(a)(i)(A) and (B), no later than 10 days after the day on which the municipal legislative body receives the notice of certification, by posting one notice, and at least one additional notice per 2,000 population within the combined area, in places within the combined area that are most likely to give notice to the residents within, and the owners of real property located within, the combined area; or

(iii) no later than 10 days after the day on which the municipal legislative body receives the notice of certification, by mailing the notice to each residence within, and to each owner of real property located within, the combined area described in Subsections (1)(a)(i)(A) and (B);

(b) in accordance with Section 45-1-101, for three weeks, beginning no later than 10 days after the day on which the municipal legislative body receives the notice of certification;

(c) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks, beginning no later than 10 days after the day on which the municipal legislative body receives the notice of certification;

(d) within 20 days after the day on which the municipal legislative body receives the notice of certification, by mailing written notice to each affected entity; and

(e) if the municipality has a website, on the municipality's website for the period of time described in Subsection (1)(c).

(2) ~~[(a)]~~ The notice ~~[under Subsections (1)(a) and (b)]~~ described in Subsection (1) shall:

~~[(i)]~~ (a) state that a petition has been filed with the municipality proposing the annexation of an area to the municipality;

~~[(ii)]~~ (b) state the date of the municipal legislative body's receipt of the notice of certification under Subsection 10-2-405(2)(c)(i);

~~[(iii)]~~ (c) describe the area proposed for annexation in the annexation petition;

186 ~~[(iv)]~~ (d) state that the complete annexation petition is available for inspection and
187 copying at the office of the city recorder or town clerk;

188 ~~[(v)]~~ (e) state in conspicuous and plain terms that the municipality may grant the
189 petition and annex the area described in the petition unless, within the time required under
190 Subsection 10-2-407(2)(a)(i)~~[(A)]~~, a written protest to the annexation petition is filed with the
191 commission and a copy of the protest delivered to the city recorder or town clerk of the
192 proposed annexing municipality;

193 ~~[(vi)]~~ (f) state the address of the commission or, if a commission has not yet been
194 created in the county, the county clerk, where a protest to the annexation petition may be filed;

195 ~~[(vii)]~~ (g) state that the area proposed for annexation to the municipality will also
196 automatically be annexed to a local district providing fire protection, paramedic, and
197 emergency services or a local district providing law enforcement service, as the case may be, as
198 provided in Section 17B-1-416, if:

199 ~~[(A)]~~ (i) the proposed annexing municipality is entirely within the boundaries of a local
200 district:

201 ~~[(H)]~~ (A) that provides fire protection, paramedic, and emergency services or law
202 enforcement service, respectively; and

203 ~~[(H)]~~ (B) in the creation of which an election was not required because of Subsection
204 17B-1-214(3)(c); and

205 ~~[(B)]~~ (ii) the area proposed to be annexed to the municipality is not already within the
206 boundaries of the local district; and

207 ~~[(viii)]~~ (h) state that the area proposed for annexation to the municipality will be
208 automatically withdrawn from a local district providing fire protection, paramedic, and
209 emergency services or a local district providing law enforcement service, as the case may be, as
210 provided in Subsection 17B-1-502(2), if:

211 ~~[(A)]~~ (i) the petition proposes the annexation of an area that is within the boundaries of
212 a local district:

213 ~~[(H)]~~ (A) that provides fire protection, paramedic, and emergency services or law
214 enforcement service, respectively; and

215 ~~[(H)]~~ (B) in the creation of which an election was not required because of Subsection
216 17B-1-214(3)(c); and

217 ~~[(B)]~~ (ii) the proposed annexing municipality is not within the boundaries of the local
218 district.

219 ~~[(b)]~~ (3) (a) The statement required by Subsection (2)~~[(a)(v)]~~(e) shall state the deadline
220 for filing a written protest in terms of the actual date rather than by reference to the statutory
221 citation.

222 ~~[(c)]~~ (b) In addition to the requirements under Subsection (2)~~[(a)]~~, a notice under
223 Subsection (1)~~[(a)]~~ for a proposed annexation of an area within a county of the first class shall
224 include a statement that a protest to the annexation petition may be filed with the commission
225 by property owners if it contains the signatures of the owners of private real property that:

226 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
227 annexation;

228 (ii) covers at least 25% of the private land area located in the unincorporated area
229 within 1/2 mile of the area proposed for annexation; and

230 (iii) is equal in value to at least 15% of all real property located in the unincorporated
231 area within 1/2 mile of the area proposed for annexation.

232 Section 2. Section **10-2-407** is amended to read:

233 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
234 **commission recommendation -- Petition requirements -- Disposition of petition if no**
235 **protest filed.**

236 (1) A protest to an annexation petition under Section 10-2-403 may be filed by:

237 (a) the legislative body or governing board of an affected entity;

238 (b) the owner of rural real property as defined in Section 17B-2a-1107; or

239 (c) for a proposed annexation of an area within a county of the first class, the owners of
240 private real property that:

241 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
242 annexation;

243 (ii) covers at least 25% of the private land area located in the unincorporated area
244 within 1/2 mile of the area proposed for annexation; and

245 (iii) is equal in value to at least 15% of all real property located in the unincorporated
246 area within 1/2 mile of the area proposed for annexation.

247 (2) ~~[(a)]~~ Each protest under Subsection (1) shall:

248 ~~[(f)]~~ (a) be filed:

249 ~~[(A)]~~ (i) no later than 30 days after the municipal legislative body's receipt of the notice

250 of certification under Subsection 10-2-405(2)(c)(i); and

251 ~~[(B)]~~ ~~[(f)]~~ (ii) (A) in a county that has already created a commission under Section

252 10-2-409, with the commission; or

253 ~~[(H)]~~ (B) in a county that has not yet created a commission under Section 10-2-409,

254 with the clerk of the county in which the area proposed for annexation is located;

255 ~~[(ii)]~~ (b) state each reason for the protest of the annexation petition and, if the area

256 proposed to be annexed is located in a specified county, justification for the protest under the

257 standards established in this chapter;

258 ~~[(iii)]~~ (c) if the area proposed to be annexed is located in a specified county, contain

259 other information that the commission by rule requires or that the party filing the protest

260 considers pertinent; and

261 ~~[(iv)]~~ (d) contain the name and address of a contact person who is to receive notices

262 sent by the commission with respect to the protest proceedings.

263 ~~[(b)]~~ (3) The party filing a protest under this section shall on the same date deliver or

264 mail a copy of the protest to the city recorder or town clerk of the proposed annexing

265 municipality.

266 ~~[(c)]~~ (4) Each clerk who receives a protest under Subsection (2)(a)~~[(i)]~~~~[(B)]~~~~[(H)]~~[(ii)](B)

267 shall:

268 ~~[(f)]~~ (a) immediately notify the county legislative body of the protest; and

269 ~~[(ii)]~~ (b) deliver the protest to the boundary commission within five days after:

270 ~~[(A)]~~ (i) receipt of the protest, if the boundary commission has previously been created;

271 or

272 ~~[(B)]~~ (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the

273 boundary commission has not previously been created.

274 ~~[(3)]~~ ~~[(a)]~~ ~~[(i)]~~ (4) (a) If a protest is filed under this section:

275 ~~[(A)]~~ (i) the municipal legislative body may, at its next regular meeting after expiration

276 of the deadline under Subsection (2)(a)(i)~~[(A)]~~, deny the annexation petition; or

277 ~~[(B)]~~ (ii) if the municipal legislative body does not deny the annexation petition under

278 Subsection ~~[(3)]~~ ~~[(a)]~~ ~~[(i)]~~ ~~[(A)]~~ (4)(a)(i), the municipal legislative body may take no further action on

279 the annexation petition until after receipt of the commission's notice of its decision on the
 280 protest under Section 10-2-416.

281 ~~[(ii)]~~ (b) If a municipal legislative body denies an annexation petition under Subsection
 282 ~~[(3)(a)(i)(A)]~~ (4)(a)(i), the municipal legislative body shall, within five days after the denial,
 283 send notice of the denial in writing to:

284 ~~[(A)]~~ (i) the contact sponsor of the annexation petition;

285 ~~[(B)]~~ (ii) the commission; and

286 ~~[(C)]~~ (iii) each entity that filed a protest.

287 ~~[(b)(i)]~~ (5) If no timely protest is filed under this section, the municipal legislative
 288 body may, subject to Subsection ~~[(3)(b)(ii)]~~ (6), approve the petition.

289 ~~[(ii)]~~ (6) Before approving an annexation petition under Subsection ~~[(3)(b)(i)]~~ (5), the
 290 municipal legislative body shall ~~[(A) hold a public hearing; and (B) at least seven days before~~
 291 ~~the public hearing under Subsection (3)(b)(ii)(A): (I) (Aa)]~~ hold a public hearing and publish
 292 notice of the public hearing:

293 (a) (i) at least seven days before the day of the public hearing in a newspaper of general
 294 circulation within the municipality and the area proposed for annexation; [or]

295 ~~[(Bb)]~~ (ii) if there is no newspaper of general circulation in ~~[those areas, post written~~
 296 ~~notices of the hearing in conspicuous places within those areas that are most likely to give~~
 297 ~~notice to residents within those areas; and]~~ the combined area described in Subsection (6)(a)(i),
 298 at least seven days before the day of the public hearing, by posting one notice, and at least one
 299 additional notice per 2,000 population within the combined area, in places within the combined
 300 area that are most likely to give notice to the residents within, and the owners of real property
 301 located within, the combined area; or

302 (iii) at least 10 days before the day of the public hearing by mailing the notice to each
 303 residence within, and to each owner of real property located within, the combined area
 304 described in Subsection (6)(a)(i);

305 ~~[(H)]~~ (b) ~~[publish notice of the hearing]~~ on the Utah Public Notice Website created in
 306 Section 63F-1-701~~[-]~~, for seven days before the day of the public hearing;

307 (c) in accordance with Section 45-1-101, for seven days before the day of the public
 308 hearing; and

309 (d) if the municipality has a website, on the municipality's website for seven days

before the day of the public hearing.

Section 3. Section **10-2-413** is amended to read:

10-2-413. Feasibility consultant -- Feasibility study -- Modifications to feasibility study.

(1) (a) For a proposed annexation of an area located in a county of the first class, unless a proposed annexing municipality denies an annexation petition under Subsection 10-2-407[(3)(a)(i)(A)](4)(a)(i) and except as provided in Subsection (1)(b), the commission shall choose and engage a feasibility consultant within 45 days of:

(i) the commission's receipt of a protest under Section 10-2-407, if the commission had been created before the filing of the protest; or

(ii) the commission's creation, if the commission is created after the filing of a protest.

(b) Notwithstanding Subsection (1)(a), the commission may not require a feasibility study with respect to a petition that proposes the annexation of an area that:

(i) is undeveloped; and

(ii) covers an area that is equivalent to less than 5% of the total land mass of all private real property within the municipality.

(2) The commission shall require the feasibility consultant to:

(a) complete a feasibility study on the proposed annexation and submit written results of the study to the commission no later than 75 days after the feasibility consultant is engaged to conduct the study;

(b) submit with the full written results of the feasibility study a summary of the results no longer than a page in length; and

(c) attend the public hearing under Subsection 10-2-415(1) and present the feasibility study results and respond to questions at that hearing.

(3) (a) Subject to Subsection (4), the feasibility study shall consider:

(i) the population and population density within the area proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries within 1/2 mile of the area proposed for annexation, that municipality;

(ii) the geography, geology, and topography of and natural boundaries within the area proposed for annexation, the surrounding unincorporated area, and, if a protest was filed by a municipality with boundaries within 1/2 mile of the area proposed for annexation, that

341 municipality;

342 (iii) whether the proposed annexation eliminates, leaves, or creates an unincorporated

343 island or unincorporated peninsula;

344 (iv) whether the proposed annexation will hinder or prevent a future and more logical

345 and beneficial annexation or a future logical and beneficial incorporation;

346 (v) the fiscal impact of the proposed annexation on the remaining unincorporated area,

347 other municipalities, local districts, special service districts, school districts, and other

348 governmental entities;

349 (vi) current and five-year projections of demographics and economic base in the area

350 proposed for annexation and surrounding unincorporated area, including household size and

351 income, commercial and industrial development, and public facilities;

352 (vii) projected growth in the area proposed for annexation and the surrounding

353 unincorporated area during the next five years;

354 (viii) the present and five-year projections of the cost of governmental services in the

355 area proposed for annexation;

356 (ix) the present and five-year projected revenue to the proposed annexing municipality

357 from the area proposed for annexation;

358 (x) the projected impact the annexation will have over the following five years on the

359 amount of taxes that property owners within the area proposed for annexation, the proposed

360 annexing municipality, and the remaining unincorporated county will pay;

361 (xi) past expansion in terms of population and construction in the area proposed for

362 annexation and the surrounding unincorporated area;

363 (xii) the extension during the past 10 years of the boundaries of each other municipality

364 near the area proposed for annexation, the willingness of the other municipality to annex the

365 area proposed for annexation, and the probability that another municipality would annex some

366 or all of the area proposed for annexation during the next five years if the annexation did not

367 occur;

368 (xiii) the history, culture, and social aspects of the area proposed for annexation and

369 surrounding area;

370 (xiv) the method of providing and the entity that has provided municipal-type services

371 in the past to the area proposed for incorporation and the feasibility of municipal-type services

being provided by the proposed annexing municipality; and

(xv) the effect on each school district whose boundaries include part or all of the area proposed for annexation or the proposed annexing municipality.

(b) For purposes of Subsection (3)(a)(ix), the feasibility consultant shall assume ad valorem property tax rates on residential property within the area proposed for annexation at the same level that residential property within the proposed annexing municipality would be without the annexation.

(c) For purposes of Subsection (3)(a)(viii), the feasibility consultant shall assume that the level and quality of governmental services that will be provided to the area proposed for annexation in the future is essentially comparable to the level and quality of governmental services being provided within the proposed annexing municipality at the time of the feasibility study.

(4) (a) Except as provided in Subsection (4)(b), the commission may modify the depth of study of and detail given to the items listed in Subsection (3)(a) by the feasibility consultant in conducting the feasibility study depending upon:

(i) the size of the area proposed for annexation;

(ii) the size of the proposed annexing municipality;

(iii) the extent to which the area proposed for annexation is developed;

(iv) the degree to which the area proposed for annexation is expected to develop and the type of development expected; and

(v) the number and type of protests filed against the proposed annexation.

(b) Notwithstanding Subsection (4)(a), the commission may not modify the requirement that the feasibility consultant provide a full and complete analysis of the items listed in Subsections (3)(a)(viii), (ix), and (xv).

(5) If the results of the feasibility study do not meet the requirements of Subsection 10-2-416(3), the feasibility consultant may, as part of the feasibility study, make recommendations as to how the boundaries of the area proposed for annexation may be altered so that the requirements of Subsection 10-2-416(3) may be met.

(6) (a) Except as provided in Subsection (6)(b), the feasibility consultant fees and expenses shall be shared equally by the proposed annexing municipality and each entity or group under Subsection 10-2-407(1) that files a protest.

(b) (i) Except as provided in Subsection (6)(b)(ii), if a protest is filed by property owners under Subsection 10-2-407(1)(c), the county in which the area proposed for annexation shall pay the owners' share of the feasibility consultant's fees and expenses.

(ii) Notwithstanding Subsection (6)(b)(i), if both the county and the property owners file a protest, the county and the proposed annexing municipality shall equally share the property owners' share of the feasibility consultant's fees and expenses.

Section 4. Section **10-2-415** is amended to read:

10-2-415. Public hearing -- Notice.

(1) (a) ~~[(i)]~~ If the results of the feasibility study or supplemental feasibility study meet the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area located in a county of the first class, the commission shall hold a public hearing within 30 days ~~[of receipt of]~~ after the day on which the commission receives the feasibility study or supplemental feasibility study results.

~~[(ii)]~~ (b) At the public hearing ~~[under]~~ described in Subsection (1)(a)~~[(i)]~~, the commission shall:

~~[(A)]~~ (i) require the feasibility consultant to present the results of the feasibility study and, if applicable, the supplemental feasibility study;

~~[(B)]~~ (ii) allow those present to ask questions of the feasibility consultant regarding the study results; and

~~[(C)]~~ (iii) allow those present to speak to the issue of annexation.

~~[(iii)-(A)]~~ (2) The commission shall ~~[(i)]~~ publish notice of ~~[each hearing under]~~ the public hearing described in Subsection (1)(a)~~[(i)]~~:

~~[(Aa)]~~ (a) (i) at least once a week for two successive weeks before the public hearing in a newspaper of general circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated area, and the proposed annexing municipality; ~~[and]~~

(ii) if there is no newspaper of general circulation within the combined area described in Subsection (2)(a)(i), at least two weeks before the day of the public hearing, by posting one notice, and at least one additional notice per 2,000 population within the combined area, in places within the combined area that are most likely to give notice of the public hearing to the residents within, and the owners of real property located within, the combined area; or

(iii) by mailing notice to each residence within, and to each residence within, and to

each owner of real property located within, the combined area described in Subsection (2)(a)(i);

~~[(Bb)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks~~[-; and]~~ before the day of the public hearing;

(c) in accordance with Section 45-1-101, for two weeks before the day of the public hearing;

~~[(H) send]~~ (d) by sending written notice of the public hearing to the municipal legislative body of the proposed annexing municipality, the contact sponsor on the annexation petition, each entity that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(c), the contact person~~[-]; and~~

(e) if the municipality has a website, on the municipality's website for two weeks before the day of the public hearing.

~~[(B) In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the commission shall give the notice required under that subsection by posting notices, at least seven days before the hearing, in conspicuous places within those areas that are most likely to give notice of the hearing to the residents of those areas.]~~

~~[(C) The notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study is available for inspection and copying at the office of the commission.]~~

(3) The notice described in Subsection (2) shall:

(a) be entitled, "notice of annexation hearing";

(b) state the name of the annexing municipality;

(c) describe the area proposed for annexation; and

(d) specify the following sources where an individual may obtain a copy of the feasibility study conducted in relation to the proposed annexation:

(i) if the municipality has a website, the municipality's website;

(ii) a municipality's physical address; and

(iii) a mailing address and telephone number.

~~[(b)-(i)]~~ (4) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest has expired with respect to a proposed annexation of an area located in a specified county, the boundary commission shall hold a hearing on all protests that were filed with

respect to the proposed annexation.

~~[(ii)-(A)]~~ (5) At least 14 days before the date of ~~[each hearing under]~~ a hearing described in Subsection ~~[(1)(b)(i)]~~ (4), the commission chair shall ~~[cause]~~ publish notice of the hearing ~~[to be published]~~:

(a) (i) in a newspaper of general circulation within the area proposed for annexation~~[-]~~;

(ii) if there is no newspaper of general circulation within the area proposed for annexation, by posting one notice, and at least one additional notice per 2,000 population within the area in places within the area that are most likely to give notice of the hearing to the residents within, and the owners of real property located within, the area; or

(iii) mailing notice to each resident within, and each owner of real property located within, the area proposed for annexation;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days before the day of the hearing;

(c) in accordance with Section 45-1-101, for 14 days before the day of the hearing; and

(d) on the county's website for two weeks before the day of the public hearing.

~~[(B)]~~ (6) Each notice ~~[under]~~ described in Subsection ~~[(1)(b)(ii)-(A)]~~ (5) shall~~[-(F)]~~ state the date, time, and place of the hearing;

~~[(H)]~~ (a) briefly summarize the nature of the protest; and

~~[(HH)]~~ (b) state that a copy of the protest is on file at the commission's office.

~~[(iii)]~~ (7) The commission may continue a hearing under Subsection ~~[(1)(b)(i)]~~ (4) from time to time, but no continued hearing may be held later than 60 days after the original hearing date.

~~[(iv)]~~ (8) In considering protests, the commission shall consider whether the proposed annexation:

~~[(A)]~~ (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the annexation policy plan of the proposed annexing municipality;

~~[(B)]~~ (b) conflicts with the annexation policy plan of another municipality; and

~~[(C)]~~ (c) if the proposed annexation includes urban development, will have an adverse tax consequence on the remaining unincorporated area of the county.

~~[(2)]~~ (9) (a) The commission shall record each hearing under this section by electronic means.

(b) A transcription of the recording under Subsection ~~[(2)]~~ (9)(a), the feasibility study, if applicable, information received at the hearing, and the written decision of the commission shall constitute the record of the hearing.

Section 5. Section **10-2-418** is amended to read:

10-2-418. Annexation of an island or peninsula without a petition -- Notice -- Hearing.

(1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in accordance with this section of an area located within a county of the first class, "municipal-type services" does not include a service provided by a municipality pursuant to a contract that the municipality has with another political subdivision as "political subdivision" is defined in Section 17B-1-102.

(2) Notwithstanding Subsection 10-2-402(2), a municipality may annex an unincorporated area under this section without an annexation petition if:

(a) (i) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality;

(ii) the majority of each island or peninsula consists of residential or commercial development;

(iii) the area proposed for annexation requires the delivery of municipal-type services; and

(iv) the municipality has provided most or all of the municipal-type services to the area for more than one year;

(b) (i) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and

(ii) the municipality has provided one or more municipal-type services to the area for at least one year;

(c) (i) the area consists of:

(A) an unincorporated island within or an unincorporated peninsula contiguous to the municipality; and

(B) for an area outside of the county of the first class proposed for annexation, no more than 50 acres; and

(ii) the county in which the area is located, subject to Subsection (4)(b), and the municipality agree that the area should be included within the municipality; or

(d) (i) the area to be annexed consists only of one or more unincorporated islands in a county of the second class;

(ii) the area to be annexed is located in the expansion area of a municipality; and

(iii) the county legislative body in which the municipality is located provides notice to each property owner within the area to be annexed that:

(A) the county legislative body will hold a public hearing, no less than 15 days after the day on which the county legislative body provides the notice; and

(B) after the public hearing the county legislative body may make a recommendation of annexation to the municipality whose expansion area includes the area to be annexed.

(3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a portion of an unincorporated island or unincorporated peninsula under this section, leaving unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

(a) in adopting the resolution under Subsection (5)(a) the municipal legislative body determines that not annexing the entire unincorporated island or unincorporated peninsula is in the municipality's best interest; and

(b) for an annexation of one or more unincorporated islands under Subsection (2)(b), the entire island of unincorporated area, of which a portion is being annexed, complies with the requirement of Subsection (2)(b)(i) relating to the number of residents.

(4) (a) This Subsection (4) applies only to an annexation within a county of the first class.

(b) A county of the first class shall agree to an annexation if the majority of private property owners within the area to be annexed give written consent to the annexation, in accordance with Subsection (4)(d), to the recorder of the annexing municipality.

(c) For purposes of Subsection (4)(b), the majority of private property owners is property owners who own:

(i) the majority of the total private land area within the area proposed for annexation; and

(ii) private real property equal to at least one half the value of private real property within the area proposed for annexation.

(d) A property owner consenting to annexation shall indicate the property owner's consent on a form which includes language in substantially the following form:

"Notice: If this written consent is used to proceed with an annexation of your property in accordance with Utah Code Section 10-2-418, no public election is required by law to approve the annexation. If you sign this consent and later decide you do not want to support the annexation of your property, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of [name of annexing municipality]. If you choose to withdraw your signature, you must do so no later than the close of the public hearing on the annexation conducted in accordance with Utah Code Subsection 10-2-418(4)(d).".

(e) A private property owner may withdraw the property owner's signature indicating consent by submitting a signed, written withdrawal with the recorder or clerk no later than the close of the public hearing held in accordance with Subsection (5)(~~(d)~~)(b).

(5) The legislative body of each municipality intending to annex an area under this section shall:

(a) adopt a resolution indicating the municipal legislative body's intent to annex the area, describing the area proposed to be annexed; and

~~[(b) publish notice:]~~

~~[(~~(i)~~-(A)) (b) hold a public hearing on the proposed annexation no earlier than 30 days after the adoption of the resolution described in Subsection (5)(a).~~

(6) A legislative body described in Subsection (5) shall publish notice of a public hearing described in Subsection (5)(b):

(a) (i) at least once a week for three successive weeks before the public hearing in a newspaper of general circulation within the municipality and the area proposed for annexation; ~~[or]~~

~~[(B)]~~ (ii) if there is no newspaper of general circulation in the ~~[areas]~~ combined area described in Subsection ~~[(5)(b)(i)(A), post]~~ (6)(a)(i), at least three weeks before the day of the public hearing, by posting one notice, and at least one additional notice per [1,000] 2,000 population in the combined area, in places within ~~[those areas]~~ the combined area that are most likely to give notice to the residents ~~[of those areas, and]~~ within, and the owners of real property located within, the combined area; or

(iii) at least three weeks before the day of the public hearing, by mailing notice to each

589 residence within, and each owner of real property located within, the combined area described
590 in Subsection (6)(a)(i);

591 ~~[(ii)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for three
592 weeks before the day of the public hearing;

593 (c) in accordance with Section 45-1-101, for three weeks before the day of the public
594 hearing;

595 ~~[(c) send]~~ (d) by sending written notice to:

596 (i) the board of each local district and special service district whose boundaries
597 contain some or all of the area proposed for annexation; and

598 (ii) the legislative body of the county in which the area proposed for annexation is
599 located; and

600 (e) if the municipality has a website, on the municipality's website for three weeks
601 before the day of the public hearing.

602 ~~[(d) hold a public hearing on the proposed annexation no earlier than 30 days after the~~
603 ~~adoption of the resolution under Subsection (5)(a).]~~

604 ~~[(6)]~~ (7) The legislative body of the annexing municipality shall ensure that:

605 (a) each notice ~~[under Subsections (5)(b) and (c)]~~ described in Subsection (6):

606 (i) states that the municipal legislative body has adopted a resolution indicating its
607 intent to annex the area proposed for annexation;

608 (ii) states the date, time, and place of the public hearing ~~[under Subsection (5)(d)]~~
609 described in Subsection (5)(b);

610 (iii) describes the area proposed for annexation; and

611 (iv) except for an annexation that meets the property owner consent requirements of
612 Subsection ~~[(7)]~~ (8)(b) or the recommendation of annexation requirements of Subsection ~~[(7)]~~
613 (8)(c), states in conspicuous and plain terms that the municipal legislative body will annex the
614 area unless, at or before the public hearing ~~[under Subsection (5)(d)]~~ described in Subsection
615 (5)(b), written protests to the annexation are filed by the owners of private real property that:

616 (A) is located within the area proposed for annexation;

617 (B) covers a majority of the total private land area within the entire area proposed for
618 annexation; and

619 (C) is equal in value to at least 1/2 the value of all private real property within the

entire area proposed for annexation; and

(b) the first publication of the notice ~~[required under Subsection (5)(b)(i)]~~ described in Subsection (6)(a) occurs within 14 days ~~[of]~~ after the day on which the municipal legislative ~~[body's adoption of]~~ body adopts a resolution under Subsection (5)(a).

~~[(7)]~~ (8) (a) Except as provided in Subsections ~~[(7)]~~ (8)(b)(i) and ~~[(7)]~~ (8)(c)(i), upon conclusion of the public hearing ~~[under Subsection (5)(d)]~~ described in Subsection (5)(b), the municipal legislative body may adopt an ordinance approving the annexation of the area proposed for annexation under this section unless, at or before the hearing, written protests to the annexation have been filed with the recorder or clerk of the municipality by the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii) covers a majority of the total private land area within the entire area proposed for annexation; and

(iii) is equal in value to at least 1/2 the value of all private real property within the entire area proposed for annexation.

(b) (i) Notwithstanding Subsection ~~[(7)]~~ (8)(a), upon conclusion of the public hearing ~~[under Subsection (5)(d)]~~ described in Subsection (5)(b), a municipality may adopt an ordinance approving the annexation of the area proposed for annexation under this section without allowing or considering protests under Subsection ~~[(7)]~~ (8)(a) if the owners of at least 75% of the total private land area within the entire area proposed for annexation, representing at least 75% of the value of the private real property within the entire area proposed for annexation, have consented in writing to the annexation.

(ii) Upon the effective date under Section 10-2-425 of an annexation approved by an ordinance adopted under Subsection ~~[(7)]~~ (8)(b)(i), the area annexed is conclusively presumed to be validly annexed.

(c) (i) Notwithstanding Subsection ~~[(7)]~~ (8)(a), upon conclusion of the public hearing ~~[under Subsection (5)(d)]~~ described in Subsection (5)(b), a municipality may adopt an ordinance approving the annexation of an area that the county legislative body proposes for annexation under this section without allowing or considering protests under Subsection ~~[(7)]~~ (8)(a) if the county legislative body has formally recommended annexation to the annexing municipality and has made a formal finding that:

651 (A) the area to be annexed can be more efficiently served by the municipality than by
652 the county;

653 (B) the area to be annexed is not likely to be naturally annexed by the municipality in
654 the future as the result of urban development;

655 (C) annexation of the area is likely to facilitate the consolidation of overlapping
656 functions of local government; and

657 (D) annexation of the area is likely to result in an equitable distribution of community
658 resources and obligations.

659 (ii) The county legislative body may base the finding required in Subsection [~~(7)~~]
660 (8)(c)(i)(B) on:

661 (A) existing development in the area;

662 (B) natural or other conditions that may limit the future development of the area; or

663 (C) other factors that the county legislative body considers relevant.

664 (iii) A county legislative body may make the recommendation for annexation required
665 in Subsection [~~(7)~~] (8)(c)(i) for only a portion of an unincorporated island if, as a result of
666 information provided at the public hearing, the county legislative body makes a formal finding
667 that it would be equitable to leave a portion of the island unincorporated.

668 (iv) If a county legislative body has made a recommendation of annexation under
669 Subsection [~~(7)~~] (8)(c)(i):

670 (A) the relevant municipality is not required to proceed with the recommended
671 annexation; and

672 (B) if the relevant municipality proceeds with annexation, the municipality shall annex
673 the entire area that the county legislative body recommended for annexation.

674 (v) Upon the effective date under Section 10-2-425 of an annexation approved by an
675 ordinance adopted under Subsection [~~(7)~~] (8)(c)(i), the area annexed is conclusively presumed
676 to be validly annexed.

677 [~~(8)~~] (9) (a) Except as provided in Subsections [~~(7)~~] (8)(b)(i) and [~~(7)~~] (8)(c)(i), if
678 protests are timely filed that comply with Subsection [~~(7)~~] (8)(a), the municipal legislative body
679 may not adopt an ordinance approving the annexation of the area proposed for annexation, and
680 the annexation proceedings under this section shall be considered terminated.

681 (b) Subsection [~~(8)~~] (9)(a) does not prohibit the municipal legislative body from

excluding from a proposed annexation under Subsection (2)(b) the property within an unincorporated island regarding which protests have been filed and proceeding under Subsection (3) to annex some or all of the remaining portion of the unincorporated island.

Section 6. Section **10-2-419** is amended to read:

10-2-419. Boundary adjustment -- Notice and hearing -- Protest.

(1) The legislative bodies of two or more municipalities having common boundaries may adjust their common boundaries as provided in this section.

(2) The legislative body of each municipality intending to adjust a boundary that is common with another municipality shall:

(a) adopt a resolution indicating the intent of the municipal legislative body to adjust a common boundary; and

(b) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a)[;].

~~[(c)]~~ (3) A legislative body described in Subsection (2) shall publish notice of a public hearing described in Subsection (2)(b):

~~[(i)-(A)]~~ (a) (i) at least once a week for three successive weeks before the public hearing in a newspaper of general circulation within the municipality; ~~[or]~~

~~[(B)]~~ (ii) if there is no newspaper of general circulation within the municipality, [post] at least three weeks before the day of the public hearing, by posting one notice, and at least one additional notice per [1,000] 2,000 population of the municipality, in places within the municipality that are most likely to give notice to residents of the municipality; [and] or

(iii) at least three weeks before the day of the public hearing, by mailing notice to each residence in the municipality;

~~[(ii)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks[; and] before the day of the public hearing;

(c) in accordance with Section 45-1-101, for three weeks before the day of the public hearing;

(d) if the proposed boundary adjustment may cause any part of real property owned by the state to be within the geographic boundary of a different local governmental entity than before the adjustment, ~~[provide]~~ by providing written notice, at least 50 days before the day of the public hearing ~~[described in Subsection (2)(b)]~~, to:

713 (i) the title holder of any state-owned real property described in this Subsection [~~(2)~~]
714 (3)(d); and

715 (ii) the Utah State Developmental Center Board, created under Section 62A-5-202, if
716 any state-owned real property described in this Subsection [~~(2)~~] (3)(d) is associated with the
717 Utah State Developmental Center~~[-];~~ and

718 (e) if the municipality has a website, on the municipality's website for three weeks
719 before the day of the public hearing.

720 [~~(3)~~] (4) The notice [~~required under Subsections (2)(c) and (d)~~] described in Subsection
721 (3) shall:

722 (a) state that the municipal legislative body has adopted a resolution indicating the
723 municipal legislative body's intent to adjust a boundary that the municipality has in common
724 with another municipality;

725 (b) describe the area proposed to be adjusted;

726 (c) state the date, time, and place of the public hearing [~~required under~~] described in
727 Subsection (2)(b);

728 (d) state in conspicuous and plain terms that the municipal legislative body will adjust
729 the boundaries unless, at or before the public hearing [~~under~~] described in Subsection (2)(b), a
730 written protest to the adjustment is filed by:

731 (i) an owner of private real property that:

732 (A) is located within the area proposed for adjustment;

733 (B) covers at least 25% of the total private land area within the area proposed for
734 adjustment; and

735 (C) is equal in value to at least 15% of the value of all private real property within the
736 area proposed for adjustment; or

737 (ii) a title holder of state-owned real property described in Subsection [~~(2)~~] (3)(d);

738 (e) state that the area that is the subject of the boundary adjustment will, because of the
739 boundary adjustment, be automatically annexed to a local district providing fire protection,
740 paramedic, and emergency services or a local district providing law enforcement service, as the
741 case may be, as provided in Section 17B-1-416, if:

742 (i) the municipality to which the area is being added because of the boundary
743 adjustment is entirely within the boundaries of a local district:

(A) that provides fire protection, paramedic, and emergency services or law enforcement service, respectively; and

(B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and

(ii) the municipality from which the area is being taken because of the boundary adjustment is not within the boundaries of the local district; and

(f) state that the area proposed for annexation to the municipality will be automatically withdrawn from a local district providing fire protection, paramedic, and emergency services, as provided in Subsection 17B-1-502(2), if:

(i) the municipality to which the area is being added because of the boundary adjustment is not within the boundaries of a local district:

(A) that provides fire protection, paramedic, and emergency services; and

(B) in the creation of which an election was not required because of Subsection 17B-1-214(3)(c); and

(ii) the municipality from which the area is being taken because of the boundary adjustment is entirely within the boundaries of the local district.

~~[(4)] (5)~~ The first publication of the notice ~~[required under Subsection (2)(c)(i)(A)]~~ described in Subsection (3)(a)(i) shall be within 14 days ~~[of]~~ after the day on which the municipal legislative ~~[body's adoption of]~~ body adopts a resolution under Subsection (2)(a).

~~[(5)] (6)~~ Upon conclusion of the public hearing ~~[under]~~ described in Subsection (2)(b), the municipal legislative body may adopt an ordinance approving the adjustment of the common boundary unless, at or before the hearing ~~[under]~~ described in Subsection (2)(b), a written protest to the adjustment is filed with the city recorder or town clerk by a person described in Subsection ~~[(2)]~~ (3)(d)(i) or (ii).

~~[(6)] (7)~~ The municipal legislative body shall comply with the requirements of Section 10-2-425 as if the boundary adjustment were an annexation.

~~[(7)] (8)~~ (a) An ordinance adopted under Subsection ~~[(5)]~~ (6) becomes effective when each municipality involved in the boundary adjustment has adopted an ordinance under Subsection ~~[(5)]~~ (6).

(b) The effective date of a boundary adjustment under this section is governed by Section 10-2-425.

Section 7. Section **10-2-501** is amended to read:

10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --

Requirements upon filing request.

(1) As used in this part "petitioner" means:

(a) one or more persons who:

(i) own title to real property within the area proposed for disconnection; and

(ii) sign a request for disconnection proposing to disconnect the area proposed for disconnection from the municipality; or

(b) the mayor of the municipality within which the area proposed for disconnection is located who signs a request for disconnection proposing to disconnect the area proposed for disconnection from the municipality.

(2) (a) A petitioner proposing to disconnect an area within and lying on the borders of a municipality shall file with that municipality's legislative body a request for disconnection.

(b) Each request for disconnection shall:

(i) contain the names, addresses, and signatures of the owners of more than 50% of any private real property in the area proposed for disconnection;

(ii) give the reasons for the proposed disconnection;

(iii) include a map or plat of the territory proposed for disconnection; and

(iv) designate between one and five persons with authority to act on the petitioner's behalf in the proceedings.

(3) Upon filing the request for disconnection, the petitioner shall~~[(a) cause]~~ publish notice of the request ~~[to be published]~~:

(a) (i) once a week for three consecutive weeks before the public hearing described in Section 10-2-502.5 in a newspaper of general circulation within the municipality; [and]

~~[(ii) in accordance with Section 45-1-101 for three weeks;]~~

(ii) if there is no newspaper of general circulation in the municipality, at least three weeks before the day of the public hearing described in Section 10-2-502.5, by posting one notice, and at least one additional notice per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the residents within, and the owners of real property located within, the municipality, including the residents who live in the area proposed for disconnection; or

(iii) at least three weeks before the day of the public hearing described in Section 10-2-502.5, by mailing notice to each residence within, and each owner of real property located within, the municipality;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the public hearing described in Section 10-2-502.5;

(c) in accordance with Section 45-1-101, for three weeks before the day of the public hearing described in Section 10-2-502.5;

~~[(b)]~~ (d) ~~[cause notice of the request to be mailed]~~ by mailing notice to each owner of real property located within the area proposed to be disconnected; ~~[and]~~

~~[(c) deliver]~~ (e) by delivering a copy of the request to the legislative body of the county in which the area proposed for disconnection is located~~[-];~~ and

(f) if the municipality has a website, on the municipality's website for three weeks before the day of the public hearing.

Section 8. Section **10-2-502.5** is amended to read:

10-2-502.5. Hearing on request for disconnection -- Determination by municipal legislative body -- Petition in district court.

(1) ~~[Within]~~ No sooner than seven calendar days after, and no later than 30 calendar days after [the last publication of], the last day on which the petitioner publishes the notice required under Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed for disconnection is located shall hold a public hearing.

(2) ~~[At least seven calendar days before the hearing date, the]~~ The municipal legislative body shall provide notice of the public hearing:

(a) at least seven days before the hearing date, in writing to the petitioner and to the legislative body of the county in which the area proposed for disconnection is located; ~~[and]~~

~~[(b) by publishing a notice:]~~

~~[(i) (A)]~~ (b) (i) at least seven days before the hearing date, by publishing notice in a newspaper of general circulation within the municipality; ~~[or]~~

~~[(B)]~~ (ii) if there is no newspaper [as described in Subsection (2)(b)(i)(A), then by posting notice of the hearing in at least three public places] of general circulation within the municipality, at least seven days before the hearing date, by posting one notice, and at least one additional notice per 2,000 population of the municipality, in places within the municipality

that are most likely to give notice to residents within, and the owners of real property located within, the municipality; ~~and~~ or

(iii) at least 10 days before the hearing date, by mailing notice to each residence within, and each owner of real property located within, the municipality;

~~[(ii)]~~ (c) on the Utah Public Notice Website created in Section 63F-1-701~~[-]~~, for seven days before the hearing date;

(d) in accordance with Section 45-1-101, for seven days before the hearing date; and

(e) if the municipality has a website, on the municipality's website for seven days before the hearing date.

(3) In the public hearing, any person may speak and submit documents regarding the disconnection proposal.

(4) Within 45 calendar days of the hearing, the municipal legislative body shall:

(a) determine whether to grant the request for disconnection; and

(b) if the municipality determines to grant the request, adopt an ordinance approving disconnection of the area from the municipality.

(5) (a) A petition against the municipality challenging the municipal legislative body's determination under Subsection (4) may be filed in district court by:

(i) the petitioner; or

(ii) the county in which the area proposed for disconnection is located.

(b) Each petition under Subsection (5)(a) shall include a copy of the request for disconnection.

Section 9. Section **10-2-607** is amended to read:

10-2-607. Notice of election.

If the county legislative bodies find that the resolution or petition for consolidation and their attachments substantially conform with the requirements of this part, ~~they shall give~~ the county legislative bodies shall publish notice of the election for consolidation to the ~~electors~~ voters of each municipality ~~which~~ that would become part of the consolidated municipality ~~by publication~~:

(1) (a) in a newspaper ~~having a~~ of general circulation within the boundaries of ~~each~~ the municipality ~~to be consolidated~~ at least once a week for four consecutive weeks ~~prior to~~ before the election; ~~on the question of consolidation; and~~

~~[(2) in accordance with Section 45-1-101 for four weeks.]~~

(b) if there is no newspaper of general circulation in the municipality, at least four weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality; or

(c) at least four weeks before the day of the election, by mailing notice to each registered voter in the municipality;

(2) on the Utah Public Notice Website created in Section 63F-1-701, for at least four weeks before the day of the election;

(3) in accordance with Section 45-1-101, for at least four weeks before the day of the election; and

(4) if the municipality has a website, on the municipality's website for at least four weeks before the day of the election.

Section 10. Section **10-2-703** is amended to read:

10-2-703. Publication of notice of election.

(1) Immediately after setting the date for the election, the court shall order for publication notice of the:

(a) petition; and

(b) date the election is to be held to determine the question of dissolution.

(2) The notice described in Subsection (1) shall be published:

(a) (i) for at least once a week for a period of ~~[one month]~~ four weeks before the election in a newspaper ~~[having]~~ of general circulation in the municipality; ~~[or]~~

~~[(ii) if there is not a newspaper as described in Subsection (2)(a), by posting in at least three public places in the municipality; and]~~

(ii) if there is no newspaper of general circulation in the municipality, at least four weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality; or

(iii) at least one month before the day of the election, by mailing notice to each registered voter in the municipality;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks

899 before the day of the election;
900 ~~[(b)]~~ (c) in accordance with Section 45-1-101 ~~[for one month]~~, for four weeks before
901 the day of the election; and

902 (d) if the municipality has a website, on the municipality's website for four weeks
903 before the day of the election.

904 Section 11. Section **10-2-708** is amended to read:

905 **10-2-708. Notice of disincorporation -- Publication and filing.**

906 When a municipality has been dissolved, the clerk of the court shall ~~[cause a notice~~
907 ~~thereof to be published]~~ publish notice of the dissolution:

908 (1) (a) in a newspaper ~~[having a]~~ of general circulation in the county in which the
909 municipality is located at least once a week for four consecutive weeks; ~~[and]~~

910 (b) if there is no newspaper of general circulation in the county in which the
911 municipality is located, by posting one notice, and at least one additional notice per 2,000
912 population of the county in places within the county that are most likely to give notice to the
913 residents within, and the owners of real property located within, the county, including the
914 residents and owners within the municipality that is dissolved; or

915 (c) by mailing notice to each residence within, and each owner of real property located
916 within, the county;

917 (2) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks;

918 ~~[(2)]~~ (3) in accordance with Section 45-1-101, for four weeks~~[-];~~ and

919 (d) on the county's website for four weeks.

920 Section 12. Section **10-2a-207** is amended to read:

921 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

922 (1) If the results of the feasibility study or supplemental feasibility study meet the
923 requirements of Subsection 10-2a-208(3), the lieutenant governor shall, after receipt of the
924 results of the feasibility study or supplemental feasibility study, schedule at least two public
925 hearings to be held:

926 (a) within the following 60 days after receipt of the results;

927 (b) at least seven days apart;

928 (c) in geographically diverse locations within the proposed city; and

929 (d) for the purpose of allowing:

(i) the feasibility consultant to present the results of the study; and

(ii) the public to become informed about the feasibility study results and to ask questions about those results of the feasibility consultant.

(2) At a public hearing described in Subsection (1), the lieutenant governor shall:

(a) provide a map or plat of the boundary of the proposed city;

(b) provide a copy of the feasibility study for public review; and

(c) allow the public to express its views about the proposed incorporation, including its view about the proposed boundary.

(3) ~~[(a)-(i)]~~ The lieutenant governor shall publish notice of the public hearings required under Subsection (1):

~~[(A)]~~ (a) (i) at least once a week for three successive weeks before the first public hearing in a newspaper of general circulation within the proposed city; ~~[and]~~

(ii) if there is no newspaper of general circulation in the proposed city, at least three weeks before the day of the first public hearing, by posting one notice, and at least one additional notice per 2,000 population of the proposed city, in places within the proposed city that are most likely to give notice to the residents within, and the owners of real property located within, the proposed city; or

(iii) at least three weeks before the first public hearing, by mailing notice to each residence within, and each owner of real property located within, the proposed city;

~~[(B)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks~~[-]~~ before the day of the first public hearing;

(c) in accordance with Section 45-1-101, for three weeks before the day of the first public hearing; and

(d) on the lieutenant governor's website for three weeks before the day of the first public hearing.

~~[(ii)]~~ (4) The last publication of notice required under Subsection (3)(a)(i)~~[(A)]~~ shall be at least three days before the first public hearing required under Subsection (1).

~~[(b)-(i)]~~ If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation within the proposed city, the lieutenant governor shall post at least one notice of the hearings per 1,000 population in conspicuous places within the proposed city that are most likely to give notice of the hearings to the residents of the proposed city.]

~~[(ii) The lieutenant governor shall post the notices under Subsection (3)(b)(i) at least seven days before the first hearing under Subsection (1).]~~

~~[(c) The notice under Subsections (3)(a) and (b)]~~

(5) (a) Except as provided in Subsection (5)(c), the notice described in Subsection (3) shall include the feasibility study summary under Subsection 10-2a-205(3)(b) and shall indicate that a full copy of the study is available for inspection and copying at the Office of the Lieutenant Governor.

~~[(d)]~~ (b) The lieutenant governor shall post a copy of the feasibility study on the lieutenant governor's website and make a copy available for public review at the Office of the Lieutenant Governor.

(c) Instead of publishing the feasibility summary under Subsection (5)(a), the lieutenant governor may publish a statement that specifies the following sources where a resident within, or the owner of real property located within, the proposed city, may view or obtain a copy of the feasibility study:

(i) the lieutenant governor's website;

(ii) the physical address of the Office of the Lieutenant Governor; and

(iii) a mailing address and telephone number.

Section 13. Section **10-2a-210** is amended to read:

10-2a-210. Incorporation election.

(1) (a) Upon receipt of a certified petition under Subsection 10-2a-209(1)(b)(i) or a certified modified petition under Subsection 10-2a-209(3), the lieutenant governor shall:

(i) determine and set an election date for the incorporation election that is:

(A) on a regular general election date under Section 20A-1-201 or on a local special election date under Section 20A-1-203; and

(B) at least 65 days after the day that the lieutenant governor receives the certified petition; and

(ii) direct the county legislative body of the county in which the incorporation is proposed to hold the election on the date determined by the lieutenant governor in accordance with Subsection (1)(a)(i).

(b) The county shall hold the election as directed by the lieutenant governor in accordance with Subsection (1)(a)(ii).

(c) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed city, the person may not vote on the proposed incorporation.

(2) ~~[(a)]~~ The county clerk shall publish notice of the election:

(a) (i) in a newspaper of general circulation within the area proposed to be incorporated at least once a week for three successive weeks~~[-and]~~ before the election;

(ii) if there is no newspaper of general circulation in the area proposed to be incorporated, at least three weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the area proposed to be incorporated, in places within the area proposed to be incorporated that are most likely to give notice to the voters within the area proposed to be incorporated; or

(iii) at least three weeks before the day of the election, by mailing notice to each registered voter in the area proposed to be incorporated;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the election;

~~[(ii)]~~ (c) in accordance with Section 45-1-101, for three weeks~~[-]~~ before the day of the election; and

(d) on the county's website for three weeks before the day of the election.

~~[(b)]~~ (3) (a) The notice required by Subsection (2)~~[(a)]~~ shall contain:

(i) a statement of the contents of the petition;

(ii) a description of the area proposed to be incorporated as a city;

(iii) a statement of the date and time of the election and the location of polling places;

and

(iv) except as provided in Subsection (3)(c), the feasibility study summary under Subsection 10-2a-205(3)(b) and a statement that a full copy of the study is available for inspection and copying at the Office of the Lieutenant Governor.

~~[(e)]~~ (b) The last publication of notice required under Subsection (2)(a)(i) shall occur at least one day but no more than seven days before the day of the election.

~~[(d)] (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general circulation within the proposed city, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the proposed city that are most~~

1023 ~~likely to give notice of the election to the voters of the proposed city.]~~

1024 ~~[(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days~~

1025 ~~before the election under Subsection (1).]~~

1026 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the

1027 notice may include a statement that specifies the following sources where a registered voter in

1028 area proposed to be incorporated may view or obtain a copy the feasibility study:

1029 (i) the lieutenant governor's website;

1030 (ii) the physical address of the Office of the Lieutenant Governor; and

1031 (iii) a mailing address and telephone number.

1032 ~~[(3)]~~ (4) If a majority of those casting votes within the area boundaries of the proposed
1033 city vote to incorporate as a city, the area shall incorporate.

1034 Section 14. Section **10-2a-213** is amended to read:

1035 **10-2a-213. Determination of number of council members -- Determination of**
1036 **election districts -- Hearings and notice.**

1037 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of
1038 the canvass of the election under Section 10-2a-210:

1039 (a) if the voters at the incorporation election choose the council-mayor form of
1040 government, determine the number of council members that will constitute the council of the
1041 future city;

1042 (b) if the voters at the incorporation election vote to elect council members by district,
1043 determine the number of council members to be elected by district and draw the boundaries of
1044 those districts, which shall be substantially equal in population;

1045 (c) determine the initial terms of the mayor and members of the city council so that:

1046 (i) the mayor and approximately half the members of the city council are elected to
1047 serve an initial term, of no less than one year, that allows their successors to serve a full
1048 four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

1049 (ii) the remaining members of the city council are elected to serve an initial term, of no
1050 less than one year, that allows their successors to serve a full four-year term that coincides with
1051 the schedule established in Subsection 10-3-205(2); and

1052 (d) submit in writing to the county legislative body the results of the sponsors'
1053 determinations under Subsections (1)(a), (b), and (c).

(2) ~~[(a)]~~ Before making a determination under Subsection (1)(a), (b), or (c), the petition sponsors shall hold a public hearing within the future city on the applicable issues under Subsections (1)(a), (b), and (c).

~~[(b)-(i)]~~ (3) The petition sponsors shall publish notice of the public hearing ~~[under]~~ described in Subsection (2)~~[(a)]~~:

~~[(A)]~~ (a) (i) in a newspaper of general circulation within the future city at least once a week for two successive weeks before the public hearing; ~~[and]~~

(ii) if there is no newspaper of general circulation in the future city, at least two weeks before the day of the public hearing, by posting one notice, and at least one additional notice per 2,000 population of the future city, in places within the future city that are most likely to give notice to the residents within, and the owners of real property located within, the future city; or

(iii) at least two weeks before the day of the public hearing, by mailing notice to each residence within, and each owner of real property located within, the future city;

~~[(B)]~~ (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks before the day of the public hearing~~[-]~~;

(c) in accordance with Section 45-1-101, for at least two weeks before the day of the public hearing; and

(d) on the county's website for two weeks before the day of the public hearing.

~~[(ii)]~~ (4) The last publication of notice under Subsection ~~[(2)(b)(i)(A)]~~ (3)(a)(i) shall be at least three days before the day of the public hearing under Subsection (2)~~[(a)]~~.

~~[(c)-(i)]~~ ~~In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general circulation within the future city, the petition sponsors shall post at least one notice of the hearing per 1,000 population in conspicuous places within the future city that are most likely to give notice of the hearing to the residents of the future city.]~~

~~[(ii)]~~ ~~The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven days before the hearing under Subsection (2)(a).]~~

Section 15. Section **10-2a-214** is amended to read:

10-2a-214. Notice of number of commission or council members to be elected and of district boundaries -- Declaration of candidacy for city office.

(1) ~~[(a)]~~ Within 20 days ~~[of]~~ after the day on which the county legislative ~~[body's]~~

1085 ~~receipt of~~ body receives the information under Subsection 10-2a-213(1)(d), the county clerk
 1086 shall publish, in accordance with Subsection ~~[(1)(b)]~~(2), notice containing:

1087 ~~[(i)]~~ (a) the number of commission or council members to be elected for the new city;
 1088 ~~[(ii)]~~ (b) except as provided in Subsection (3), if some or all of the commission or
 1089 council members are to be elected by district, a description of the boundaries of those districts
 1090 as designated by the petition sponsors under Subsection 10-2a-213(1)(b);

1091 ~~[(iii)]~~ (c) information about the deadline for filing a declaration of candidacy for those
 1092 seeking to become candidates for mayor or city commission or council; and

1093 ~~[(iv)]~~ (d) information about the length of the initial term of each of the city officers, as
 1094 determined by the petition sponsors under Subsection 10-2a-213(1)(c).

1095 ~~[(b)]~~ (2) The notice ~~[under]~~ described in Subsection (1)~~[(a)]~~ shall be published:

1096 (a) (i) in a newspaper of general circulation within the future city at least once a week
 1097 for two successive weeks; ~~[and]~~

1098 (ii) if there is no newspaper of general circulation in the future city, by posting one
 1099 notice, and at least one additional notice per 2,000 population of the future city, in places
 1100 within the future city that are most likely to give notice to the residents in the future city; or

1101 (iii) by mailing notice to each residence in the future city;

1102 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;

1103 ~~[(ii)]~~ (c) in accordance with Section 45-1-101, for two weeks~~[-]; and~~

1104 (d) on the county's website for two weeks.

1105 ~~[(c)(i)]~~ In accordance with Subsection (1)(b)(i), if there is no newspaper of general
 1106 circulation within the future city, the county clerk shall post at least one notice per 1,000
 1107 population in conspicuous places within the future city that are most likely to give notice to the
 1108 residents of the future city.]

1109 ~~[(ii)]~~ The notice under Subsection (1)(c)(i) shall contain the information required under
 1110 Subsection (1)(a).]

1111 ~~[(iii)]~~ The petition sponsors shall post the notices under Subsection (1)(c)(i) at least
 1112 seven days before the deadline for filing a declaration of candidacy under Subsection (2).]

1113 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
 1114 notice may include a statement that specifies the following sources where a resident of the
 1115 future city may view or obtain a copy the district:

- 1116 (a) the county website;
1117 (b) the physical address of the county offices; and
1118 (c) a mailing address and telephone number.

1119 ~~[(2)]~~ (4) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to
1120 become a candidate for mayor or city commission or council of a city incorporating under this
1121 part shall file a declaration of candidacy with the clerk of the county in which the future city is
1122 located and in accordance with the deadlines set by the clerk as authorized by Section
1123 10-2a-215.

1124 Section 16. Section **10-2a-215** is amended to read:

1125 **10-2a-215. Election of officers of new city -- Primary and final election dates --**
1126 **County clerk duties -- Candidate duties -- Occupation of office.**

1127 (1) For the election of city officers, the county legislative body shall:

1128 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
1129 election; and

1130 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
1131 final election.

1132 (2) Each election under Subsection (1) shall be:

1133 (a) appropriate to the form of government chosen by the voters at the incorporation
1134 election;

1135 (b) consistent with the voters' decision about whether to elect commission or council
1136 members by district and, if applicable, consistent with the boundaries of those districts as
1137 determined by the petition sponsors; and

1138 (c) consistent with the sponsors' determination of the number of commission or council
1139 members to be elected and the length of their initial term.

1140 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall
1141 be held at the earliest of the next:

1142 (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section
1143 20A-1-201;

1144 (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under
1145 Subsection 20A-1-201.5(1);

1146 (iii) municipal primary election under Section 20A-9-404; or

1147 (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under
1148 Section 20A-1-202.

1149 (b) The county shall hold the primary election, if necessary, on the next earliest
1150 election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:

1151 (i) 75 days after the incorporation election under Section 10-2a-210; and

1152 (ii) 65 days after the last day of the candidate filing period.

1153 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election under
1154 Subsection (1)(b) on one of the following election dates:

1155 (i) regular general election under Section 20A-1-201;

1156 (ii) municipal primary election under Section 20A-9-404;

1157 (iii) regular municipal general election under Section 20A-1-202; or

1158 (iv) regular primary election under Section 20A-1-201.5.

1159 (b) The county shall hold the final election on the earliest of the next election date that
1160 is listed in Subsection (4)(a)(i), (ii), (iii), or (iv):

1161 (i) that is after a primary election; or

1162 (ii) if there is no primary election, that is at least:

1163 (A) 75 days after the incorporation election under Section 10-2a-210; and

1164 (B) 65 days after the candidate filing period.

1165 (5) ~~[(a)-(i)]~~ The county clerk shall publish notice of an election under this section:

1166 ~~[(A)]~~ (a) (i) in accordance with Subsection (6), at least once a week for two successive
1167 weeks before the election in a newspaper of general circulation within the future city; ~~[and]~~

1168 (ii) if there is no newspaper of general circulation in the future city, at least two weeks
1169 before the day of the election, by posting one notice, and at least one additional notice per
1170 2,000 population of the future city, in places within the future city that are most likely to give
1171 notice to the voters within the future city; or

1172 (iii) at least two weeks before the day of the election, by mailing notice to each
1173 registered voter within the future city;

1174 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
1175 before the day of the election;

1176 ~~[(B)]~~ (c) in accordance with Section 45-1-101, for two weeks[-] before the day of the
1177 election; and

1178 (d) on the county's website for two weeks before the day of the election.

1179 ~~[(ii)]~~ (6) The later notice under Subsection (5)(a)(i) shall be at least one day but no
1180 more than seven days before the day of the election.

1181 ~~[(b)(i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general~~
1182 ~~circulation within the future city, the county clerk shall post at least one notice of the election~~
1183 ~~per 1,000 population in conspicuous places within the future city that are most likely to give~~
1184 ~~notice of the election to the voters.]~~

1185 ~~[(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven~~
1186 ~~days before each election under Subsection (1).]~~

1187 ~~[(6)]~~ (7) (a) Until the city is incorporated, the county clerk:

1188 (i) is the election officer for all purposes in an election of officers of the city approved
1189 at an incorporation election; and

1190 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
1191 that are not otherwise contrary to law.

1192 (b) The county clerk shall require and determine deadlines for the filing of campaign
1193 financial disclosures of city officer candidates in accordance with Section 10-3-208.

1194 (c) The county clerk is responsible to ensure that:

1195 (i) a primary or final election for the officials of a newly incorporated city is held on a
1196 date authorized by this section; and

1197 (ii) the ballot for the election includes each office that is required to be included in the
1198 election for officers of the newly incorporated city and the term of each office.

1199 ~~[(7)]~~ (8) A person who has filed as a candidate for an office described in this section
1200 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and
1201 requirements and deadlines as lawfully set forth by the county clerk.

1202 ~~[(8)]~~ (9) Notwithstanding Section 10-3-201, the officers elected at a final election
1203 described in Subsection (4)(a) shall take office:

1204 (a) after taking the oath of office; and

1205 (b) at noon on the first Monday following the day on which the election official
1206 transmits a certificate of nomination or election under the officer's seal to each elected
1207 candidate in accordance with Subsection 20A-4-304~~[(2)(c)(ii)]~~(4)(b).

1208 Section 17. Section **10-2a-303** is amended to read:

1209 **10-2a-303. Incorporation of a town -- Public hearing on feasibility.**

1210 (1) If, in accordance with Section 10-2a-302.5, the lieutenant governor certifies a
1211 petition for incorporation or an amended petition for incorporation, the lieutenant governor
1212 shall, after completion of the feasibility study, schedule a public hearing:

1213 (a) that takes place no later than 60 days after the day on which the feasibility study is
1214 completed; and

1215 (b) to consider, in accordance with Subsection ~~[(3)]~~ (4)(b), the feasibility of
1216 incorporation for the proposed town.

1217 (2) ~~[(a)]~~ The lieutenant governor shall give notice of the public hearing on the proposed
1218 incorporation ~~[by]~~:

1219 ~~(a)~~ (i) ~~[(A) publishing notice of the public hearing]~~ at least once a week for two
1220 consecutive weeks before the public hearing in a newspaper of general circulation within the
1221 proposed town; ~~[or]~~

1222 ~~[(B)]~~ (ii) if there is no newspaper of general circulation within the proposed town by, at
1223 least two weeks before the day of the public hearing, posting notice of the public hearing in at
1224 least five conspicuous public places within the proposed town~~[-and]~~ that are most likely to
1225 give notice to the residents within, and the owners of real property located within, the proposed
1226 town; or

1227 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
1228 residence within, and to each owner of real property located within, the proposed town;

1229 ~~[(ii)]~~ (b) by publishing notice of the public hearing on the Utah Public Notice Website
1230 created in Section 63F-1-701[-], for two weeks before the day of the public hearing;

1231 (c) in accordance with Section 45-1-101, for two weeks before the day of the public
1232 hearing; and

1233 (d) on the county's website for two weeks before the day of the public hearing.

1234 ~~[(b)]~~ (3) The county in which the incorporation is proposed shall post the notice
1235 described in Subsection (2)~~[(a)(ii)]~~(b) on the county's website, if the county has a website, for
1236 at least two consecutive weeks before the day of the public hearing.

1237 ~~[(3)]~~ (4) At the public hearing scheduled in accordance with Subsection (1), the
1238 lieutenant governor shall:

1239 (a) (i) provide a copy of the feasibility study; and

(ii) present the results of the feasibility study to the public; and
(b) allow the public to:
(i) review the map or plat of the boundary of the proposed town;
(ii) ask questions and become informed about the proposed incorporation; and
(iii) express its views about the proposed incorporation, including their views about the boundary of the area proposed to be incorporated.

~~[(4)]~~ (5) A county under the direction of the lieutenant governor may not hold an election on the incorporation of a town in accordance with Section 10-2a-304 if the results of the feasibility study show that the five-year projected revenues under Subsection 10-2a-302.5(11)(d)(iv) exceed the five-year projected costs under Subsection 10-2a-302.5(11)(d)(iii) by more than 10%.

Section 18. Section **10-2a-304** is amended to read:

10-2a-304. Incorporation of a town -- Election to incorporate -- Ballot form.

(1) (a) Upon the completion of a feasibility study described in Section 10-2a-302.5 and the public hearing described in Section 10-2a-303, the lieutenant governor shall schedule an incorporation election for the proposed town on:

(i) the date of a regular general election described in Section 20A-1-201 or on the date of a local special election described in Section 20A-1-203; and

(ii) a date that is at least 65 days after the day on which the lieutenant governor certifies the petition under Section 10-2a-302.5.

(b) The lieutenant governor shall direct the county in which the proposed town is located to hold the incorporation election on the date that the lieutenant governor schedules under Subsection (1)(a).

(c) The county described in Subsection (1)(b) shall hold the incorporation election as directed by the lieutenant governor in accordance with Subsection (1)(b).

(d) An individual may not vote in an incorporation election under this section unless the individual is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed town.

(2) ~~[(a)]~~ The county clerk shall publish notice of the election:

(a) (i) in accordance with Subsection (4), in a newspaper of general circulation, within the area proposed to be incorporated, at least once a week for three successive weeks~~[-and]~~

1271 before the election;
1272 (ii) if there is no newspaper of general circulation in the proposed area proposed to be
1273 incorporated, at least three weeks before the day of the election, by posting one notice, and at
1274 least one additional notice per 250 population of the area proposed to be incorporated, in places
1275 within the area proposed to be incorporated that are most likely to give notice to the voters in
1276 the area proposed to be incorporated; or
1277 (iii) at least two weeks before the day of the election, by mailing notice to each
1278 registered voter in the area proposed to be incorporated;
1279 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
1280 before the day of the election;
1281 [(ii)] (c) in accordance with Section 45-1-101, for three weeks[:] before the day of the
1282 election; and
1283 (d) on the county's website for three weeks before the day of the election.
1284 [(b)] (3) The notice required by Subsection (2)[(a)] shall contain:
1285 [(i)] (a) a statement of the contents of the petition;
1286 [(ii)] (b) a description of the area proposed to be incorporated as a town;
1287 [(iii)] (c) a statement of the date and time of the election and the location of polling
1288 places; and
1289 [(iv)] (d) the lieutenant governor's Internet website address, if applicable, and the
1290 address of the Office of the Lieutenant Governor where the feasibility study is available for
1291 review.
1292 [(e)] (4) The last publication of notice required under Subsection (2)(a)(i) shall occur at
1293 least one day but no more than seven days before the day of the election.
1294 [(d) (i) In accordance with Subsection (2)(a)(i), if there is no newspaper of general
1295 circulation within the proposed town, the county clerk shall post at least one notice of the
1296 election per 100 population in conspicuous places within the proposed town that are most
1297 likely to give notice of the election to the voters of the proposed town.]
1298 [(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days
1299 before the election under Subsection (1)(a).]
1300 [(3)] (5) The ballot at the incorporation election shall pose the incorporation question
1301 substantially as follows:

Shall the area described as (insert a description of the proposed town) be incorporated as the town of (insert the proposed name of the proposed town)?

~~[(4)]~~ (6) The ballot shall provide a space for the voter to answer yes or no to the question in Subsection ~~[(3)]~~ (5).

~~[(5)]~~ (7) If a majority of those casting votes within the area boundaries of the proposed town vote to incorporate as a town, the area shall incorporate.

Section 19. Section **10-2a-305** is amended to read:

10-2a-305. Form of government -- Determination of council officer terms -- Hearings and notice.

(1) A newly incorporated town shall operate under the five-member council form of government as defined in Section 10-3b-102.

(2) If the incorporation proposal passes, the petition sponsors shall, within 25 days of the canvass of the election under Section 10-2a-304:

(a) determine the initial terms of the mayor and members of the city council so that:

(i) the mayor and approximately half the members of the town council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

(ii) the remaining members of the town council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(2); and

(b) submit in writing to the county legislative body the results of the sponsors' determinations under Subsection (2)(a).

(3) ~~[(a)]~~ Before making a determination under Subsection (2)(a), the petition sponsors shall hold a public hearing within the future town on the applicable issues under Subsections (2)(a)(i) and (ii).

~~[(b)-(i)]~~ (4) (a) The petition sponsors shall publish notice of the public hearing ~~[under]~~ described in Subsection (3)~~[(a)]~~:

~~[(A)]~~ (i) in accordance with Subsection (5), in a newspaper of general circulation within the future town at least once a week for two successive weeks before the ~~[day of the]~~ public hearing; ~~[and]~~

(ii) if there is no newspaper of general circulation in the future town, at least two weeks

1333 before the day of the public hearing, by posting one notice, and at least one additional notice
 1334 per 250 population of the future town, in places within the future town that are most likely to
 1335 give notice to the voters in the future town; or

1336 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
 1337 registered voter in the future town;

1338 ~~[(B)]~~ (b) by posting notice on the Utah Public Notice Website, created in Section
 1339 63F-1-701, for two weeks before the day of the public hearing~~[-]~~;

1340 (c) in accordance with Section 45-1-101, for two weeks before the day of the public
 1341 hearing; and

1342 (d) on the county's website for two weeks before the day of the public hearing.

1343 ~~[(ii)]~~ (5) The last publication of notice under Subsection ~~[(3)(b)(i)(A)]~~ (4)(a)(i) shall be
 1344 at least three days before the day of the public hearing ~~[under]~~ described in Subsection (3)~~[(a)]~~.

1345 ~~[(c) (i) In accordance with Subsection (3)(b)(i)(A), if there is no newspaper of general~~
 1346 ~~circulation within the future town, the petition sponsors shall post at least one notice of the~~
 1347 ~~hearing per 1,000 population in conspicuous places within the future town that are most likely~~
 1348 ~~to give notice of the hearing to the residents of the future town.]~~

1349 ~~[(ii) The petition sponsors shall post the notices under Subsection (3)(c)(i) at least~~
 1350 ~~seven days before the day that the hearing is held under Subsection (3)(a).]~~

1351 Section 20. Section **10-2a-305.1** is amended to read:

1352 **10-2a-305.1. Notice of number of council members to be elected and of district**
 1353 **boundaries -- Declaration of candidacy for town office -- Occupation of office.**

1354 (1) ~~[(a)]~~ Within 20 days ~~[of]~~ after the county legislative body's receipt of the
 1355 information under Subsection 10-2a-305(2)(b), the county clerk shall publish, in accordance
 1356 with Subsection ~~[(1)(b)]~~ (2), notice containing:

1357 ~~[(i)]~~ (a) information about the deadline for filing a declaration of candidacy for those
 1358 seeking to become candidates for mayor or town council; and

1359 ~~[(ii)]~~ (b) information about the length of the initial term of each of the town officers, as
 1360 determined by the petition sponsors under Subsection 10-2a-305(2)(a).

1361 ~~[(b) The notice under Subsection (1)(a) shall be published:]~~

1362 (2) The county clerk shall publish the notice described in Subsection (1):

1363 (a) (i) in a newspaper of general circulation within the future town at least once a week

1364 for two successive weeks; ~~[and]~~
1365 ~~[(ii) in accordance with Section 45-1-101 for two weeks.]~~
1366 ~~[(c)(i) In accordance with Subsection (1)(b)(i),]~~
1367 (ii) if there is no newspaper of general circulation within the future [city] town, the
1368 county clerk shall post one notice, and at least one additional notice per [1,000] 250 population
1369 [in conspicuous places] of the future town, in places within the future town that are most likely
1370 to give notice to the residents of the future town[-]; or
1371 ~~[(ii) The notice under Subsection (1)(c)(i) shall contain the information required under~~
1372 ~~Subsection (1)(a).]~~
1373 (iii) by mailing the notice to each residence in the future town;
1374 (b) on the Utah Public Notice Website, created in Section 63F-1-701, for two weeks;
1375 (c) in accordance with Section 45-1-101, for two weeks; and
1376 (d) on the county's website for two weeks.
1377 ~~[(iii)]~~ (3) The petition sponsors shall post the notices [under] described in Subsection
1378 ~~[(1)(c)(i)]~~ (2)(a)(ii) or mail the notices described in Subsection (2)(a)(iii) at least seven days
1379 before the day of the deadline for filing a declaration of candidacy under Subsection [(2)] (4).
1380 ~~[(2)]~~ (4) Notwithstanding Subsection 20A-9-203(3)(a) and the provisions of
1381 Subsection 20A-9-203(3)(b) that require a declaration of candidacy to be filed with the city
1382 recorder or town clerk, each individual seeking to become a candidate for mayor or town
1383 council of a town incorporating under this part shall, within 45 days after the day of the
1384 incorporation election under Section 10-2a-304, file a declaration of candidacy with the clerk
1385 of the county in which the future town is located.
1386 Section 21. Section **10-2a-305.2** is amended to read:
1387 **10-2a-305.2. Election of officers of new town -- Primary and final election dates --**
1388 **County clerk duties -- Candidate duties -- Occupation of office.**
1389 (1) For the election of town officers, the county legislative body shall:
1390 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
1391 election; and
1392 (b) hold a final election unless the election may be cancelled in accordance with
1393 Section 20A-1-206.
1394 (2) Each election under Subsection (1) shall be consistent with the petition sponsors'

1395 determination of the length of each council member's initial term.

1396 (3) (a) Subject to Subsection (3)(b), the primary election under Subsection (1)(a) shall
1397 be held on one of the following election dates:

1398 (i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section
1399 20A-1-201;

1400 (ii) notwithstanding Subsection 20A-1-201.5(2), regular primary election under
1401 Subsection 20A-1-201.5(1);

1402 (iii) municipal primary election under Section 20A-9-404; or

1403 (iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under
1404 Section 20A-1-202.

1405 (b) The county shall hold the primary election, if necessary, at the earliest of the next
1406 election date listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least:

1407 (i) 75 days after the incorporation election under Section 10-2a-304; and

1408 (ii) 65 days after the last day of the candidate filing period.

1409 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election under
1410 Subsection (1)(b) on one of the following election dates:

1411 (i) regular general election under Section 20A-1-201;

1412 (ii) municipal primary election under Section 20A-9-404;

1413 (iii) municipal general election under Section 20A-1-202; or

1414 (iv) regular primary election under Section 20A-1-201.5.

1415 (b) The county shall hold the final election on the next earliest election date listed in
1416 Subsection (4)(a)(i), (ii), (iii), or (iv):

1417 (i) that is after a primary election; or

1418 (ii) if there is no primary election, that is at least:

1419 (A) 75 days after the incorporation election under Section 10-2a-210; and

1420 (B) 65 days after the candidate filing period.

1421 (5) ~~[(a)-(i)]~~ The county clerk shall publish notice of an election under this section:

1422 ~~[(A)]~~ (a) (i) in accordance with Subsection (6), at least once a week for two successive
1423 weeks before the election in a newspaper of general circulation within the future town; ~~[and]~~

1424 (ii) if there is no newspaper of general circulation in the future town, at least two weeks
1425 before the day of the election, by posting one notice, and at least one additional notice per 100

1426 population of the future town, in places within the future town that are most likely to give
1427 notice to the voters in the future town; or
1428 (iii) at least two weeks before the day of the election, by mailing notice to each
1429 registered voter in the future town;
1430 (b) by posting notice on the Utah Public Notice Website, created in Section 63F-1-701,
1431 for two weeks before the day of the election;
1432 ~~[(B)]~~ (c) in accordance with Section 45-1-101, for two weeks[-] before the day of the
1433 election; and
1434 (d) on the county's website for two weeks before the day of the election.
1435 ~~[(ii)]~~ (6) The later notice under Subsection (5)(a)(i) shall be at least one day but no
1436 more than seven days before the day of the election.
1437 ~~[(b) (i) In accordance with Subsection (5)(a)(i)(A), if there is no newspaper of general~~
1438 ~~circulation within the future town, the county clerk shall post at least one notice of the election~~
1439 ~~per 1,000 population in conspicuous places within the future town that are most likely to give~~
1440 ~~notice of the election to the voters.]~~
1441 ~~[(ii) The county clerk shall post the notices under Subsection (5)(b)(i) at least seven~~
1442 ~~days before an election under Subsection (1)(a) or (b).]~~
1443 ~~[(6)]~~ (7) (a) Until the town is incorporated, the county clerk:
1444 (i) is the election officer for all purposes in an election of officers of the town approved
1445 at an incorporation election; and
1446 (ii) may, as necessary, determine appropriate deadlines, procedures, and instructions
1447 that are not otherwise contrary to law.
1448 (b) The county clerk shall require and determine deadlines for the filing of campaign
1449 financial disclosures of town officer candidates in accordance with Section 10-3-208.
1450 (c) The county clerk is responsible to ensure that:
1451 (i) a primary or final election for the officials of a newly incorporated town is held on a
1452 date authorized by this section; and
1453 (ii) the ballot for the election includes each office that is required to be included in the
1454 election for officers of the newly incorporated town and the term of each office.
1455 ~~[(7)]~~ (8) A person who has filed as a candidate for an office described in this section
1456 shall comply with the campaign finance disclosure requirements of Section 10-3-208 and

1457 requirements and deadlines as lawfully set forth by the county clerk.

1458 ~~[(8)]~~ (9) Notwithstanding Section 10-3-201, the officers elected at a final election
1459 described in Subsection (4)(a) shall take office:

1460 (a) after taking the oath of office; and

1461 (b) at noon on the first Monday following the day on which the election official
1462 transmits a certificate of nomination or election under the officer's seal to each elected
1463 candidate in accordance with Subsection 20A-4-304~~[(2)(c)(ii)]~~(4)(b).

1464 Section 22. Section **10-7-19** is amended to read:

1465 **10-7-19. Election to authorize -- Notice -- Ballots.**

1466 (1) ~~[The]~~ Subject to Subsection (2), the board of commissioners or city council of any
1467 city, or the board of trustees of any incorporated town ~~[is authorized to]~~, may aid and
1468 encourage the building of railroads by granting to any railroad company, for depot or other
1469 railroad purposes, real property of ~~[such]~~ the city or incorporated town, not necessary for
1470 municipal or public purposes, upon ~~[such]~~ the limitations and conditions ~~[as]~~ established by the
1471 board of commissioners, city council, or board of trustees ~~[may prescribe; provided, however,~~
1472 ~~that no such grant shall be made to any railroad company unless the question of making it has~~
1473 ~~been submitted to the qualified electors]~~.

1474 (2) A board of commissioners, city council, or board of trustees may not grant real
1475 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
1476 town at the next municipal election, or at a special election ~~[to be]~~ called for that purpose by
1477 the board of commissioners, city council ~~[or town board]~~, or board of trustees.

1478 ~~[(2)]~~ (3) If the question is submitted at a special election, ~~[it]~~ the election shall be held
1479 as nearly as practicable in conformity with the general election laws of the state.

1480 ~~[(3) Notice of an election described in Subsection (2) shall be given by publication:]~~

1481 (4) The board of commissioners, city council, or board of trustees shall publish notice
1482 of an election described in Subsections (2) and (3):

1483 (a) (i) in a newspaper ~~[published or having]~~ of general circulation in the city or town
1484 once a week for four weeks ~~[prior to]~~ before the election; ~~[or]~~

1485 ~~[(ii) if there is not a newspaper as described in Subsection (3)(a)(i), then by posting~~
1486 ~~notices; and]~~

1487 (ii) if there is no newspaper of general circulation in the city or town, at least four

1488 weeks before the day of the election, by posting one notice, and at least one additional notice
1489 per 2,000 population of the city or town, in places within the city or town that are most likely to
1490 give notice to the voters in the city or town; or

1491 (iii) at least four weeks before the day of the election, by mailing notice to each
1492 registered voter in the city or town;

1493 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
1494 before the day of the election;

1495 ~~[(b)]~~ (c) in accordance with Section 45-1-101, for four weeks ~~[prior to]~~ before the day
1496 of the election[-]; and

1497 (d) if the municipality has a website, on the municipality's website for at least four
1498 weeks before the day of the election.

1499 ~~[(4)]~~ (5) The board of commissioners, city council ~~[or town board]~~, or board of trustees
1500 shall cause ballots to be printed and ~~[furnished to the qualified electors]~~ provided to the eligible
1501 voters, which shall read: "For the proposed grant for depot or other railroad purposes: Yes.
1502 No."

1503 ~~[(5)]~~ (6) If a majority of the ~~[qualified electors voting thereon shall have voted]~~ votes
1504 are cast in favor of ~~[such]~~ the grant, the board of commissioners, city council ~~[or town board~~
1505 ~~shall then proceed to]~~, or board of trustees shall convey the real property to the railroad
1506 company.

1507 Section 23. Section **11-14-202** is amended to read:

1508 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

1509 (1) The governing body shall ~~[ensure that]~~ publish notice of the election ~~[is provided]~~:

1510 (a) (i) once per week ~~[during]~~ for three consecutive weeks ~~[by publication]~~ before the
1511 election in a newspaper ~~[having]~~ of general circulation in the local political subdivision, in
1512 accordance with Section 11-14-316, the first publication occurring not less than 21, nor more
1513 than 35, days before the day of the election;

1514 ~~[(b) on a website, if available, in accordance with Section 45-1-101 for the three weeks~~
1515 ~~that immediately precede the election; and]~~

1516 ~~[(c) in a local political subdivision where there is no newspaper of general circulation,~~
1517 ~~by posting notice of the bond election in at least five public places in the local political~~
1518 ~~subdivision at least 21 days before the election.]~~

(ii) if there is no newspaper of general circulation in the local political subdivision, at least 21 days before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the local political subdivision, in places within the local political subdivision that are most likely to give notice to the voters in the local political subdivision; or

(iii) at least three weeks before the day of the election, by mailing notice to each registered voter in the local political subdivision;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks before the day of the election;

(c) in accordance with Section 45-1-101, for three weeks before the day of the election;
and

(d) if the local political subdivision has a website, on the local political subdivision's website for at least three weeks before the day of the election.

(2) When the debt service on the bonds to be issued will increase the property tax imposed upon the average value of a residence by an amount that is greater than or equal to \$15 per year, the governing body shall prepare and mail either a voter information pamphlet or a notification described in Subsection (8):

(a) at least 15 days, but not more than 45 days, before the bond election;

(b) to each household containing a registered voter who is eligible to vote on the bonds; and

(c) that includes the information required by Subsections (4) and (5).

(3) The election officer may change the location of, or establish an additional:

(a) voting precinct polling place, in accordance with Subsection (6);

(b) early voting polling place, in accordance with Subsection 20A-3-603(2); or

(c) election day voting center, in accordance with Subsection 20A-3-703(2).

(4) The notice described in Subsection (1) and the voter information pamphlet described in Subsection (2):

(a) shall include, in the following order:

(i) the date of the election;

(ii) the hours during which the polls will be open;

(iii) the address of the Statewide Electronic Voter Information Website and, if available, the address of the election officer's website, with a statement indicating that the

election officer will post on the website the location of each polling place for each voting precinct, each early voting polling place, and each election day voting center, including any changes to the location of a polling place and the location of an additional polling place;

(iv) a phone number that a voter may call to obtain information regarding the location of a polling place; and

(v) the title and text of the ballot proposition, including the property tax cost of the bond described in Subsection 11-14-206(2)(a); and

(b) may include the location of each polling place.

(5) The voter information pamphlet required by this section shall include:

(a) the information required under Subsection (4); and

(b) an explanation of the property tax impact, if any, of the issuance of the bonds, which may be based on information the governing body determines to be useful, including:

(i) expected debt service on the bonds to be issued;

(ii) a description of the purpose, remaining principal balance, and maturity date of any outstanding general obligation bonds of the issuer;

(iii) funds other than property taxes available to pay debt service on general obligation bonds;

(iv) timing of expenditures of bond proceeds;

(v) property values; and

(vi) any additional information that the governing body determines may be useful to explain the property tax impact of issuance of the bonds.

(6) (a) Except as provided in Section 20A-1-308, the election officer may, after the deadlines described in Subsections (1) and (2):

(i) if necessary, change the location of a voting precinct polling place; or

(ii) if the election officer determines that the number of voting precinct polling places is insufficient due to the number of registered voters who are voting, designate additional voting precinct polling places.

(b) Except as provided in Section 20A-1-308, if an election officer changes the location of a voting precinct polling place or designates an additional voting precinct polling place, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of a changed voting precinct polling place or an additional voting precinct

1581 polling place:

1582 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter

1583 Information Website;

1584 (ii) by posting the information on the website of the election officer, if available; and

1585 (iii) by posting notice:

1586 (A) of a change in the location of a voting precinct polling place, at the new location

1587 and, if possible, the old location; and

1588 (B) of an additional voting precinct polling place, at the additional voting precinct

1589 polling place.

1590 (7) The governing body shall pay the costs associated with the notice required by this

1591 section.

1592 (8) (a) The governing body may mail a notice printed on a postage prepaid,

1593 preaddressed return form that a person may use to request delivery of a voter information

1594 pamphlet by mail.

1595 (b) The notice described in Subsection (8)(a) shall include:

1596 (i) the website upon which the voter information pamphlet is available; and

1597 (ii) the phone number a voter may call to request delivery of a voter information

1598 pamphlet by mail.

1599 (9) A local school board shall comply with the voter information pamphlet

1600 requirements described in Section 53G-4-603.

1601 Section 24. Section **17B-1-303** is amended to read:

1602 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
1603 **of board member contact information.**

1604 (1) (a) Except as provided in Subsections (1)(b) and (c), the term of each member of a

1605 board of trustees shall begin at noon on the January 1 following the member's election or

1606 appointment.

1607 (b) The term of each member of the initial board of trustees of a newly created local

1608 district shall begin:

1609 (i) upon appointment, for an appointed member; and

1610 (ii) upon the member taking the oath of office after the canvass of the election at which

1611 the member is elected, for an elected member.

(c) The term of each water conservancy district board member appointed by the governor as provided in Subsection 17B-2a-1005(2)(c) shall:

(i) begin on the later of the following:

(A) the date on which the Senate consents to the appointment; or

(B) the expiration date of the prior term; and

(ii) end on the February 1 that is approximately four years after the date described in Subsection (1)(c)(i)(A) or (B).

(2) (a) (i) Except as provided in Subsection (8), and subject to Subsection (2)(a)(ii), the term of each member of a board of trustees shall be four years, except that approximately half the members of the initial board of trustees, chosen by lot, shall serve a two-year term so that the term of approximately half the board members expires every two years.

(ii) (A) If the terms of members of the initial board of trustees of a newly created local district do not begin on January 1 because of application of Subsection (1)(b), the terms of those members shall be adjusted as necessary, subject to Subsection (2)(a)(ii)(B), to result in the terms of their successors complying with:

(I) the requirement under Subsection (1)(a) for a term to begin on January 1 following a member's election or appointment; and

(II) the requirement under Subsection (2)(a)(i) that terms be four years.

(B) An adjustment under Subsection (2)(a)(ii)(A) may not add more than a year to or subtract more than a year from a member's term.

(b) Each board of trustees member shall serve until a successor is duly elected or appointed and qualified, unless the member earlier is removed from office or resigns or otherwise leaves office.

(c) If a member of a board of trustees no longer meets the qualifications of Subsection 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed successor:

(i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

(ii) the member may continue to serve until a successor is duly elected or appointed and qualified.

(3) (a) (i) Before entering upon the duties of office, each member of a board of trustees shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

1643 (ii) An oath of office may be administered by a judge, county clerk, notary public, or
1644 the local district clerk.

1645 (b) Each oath of office shall be filed with the clerk of the local district.

1646 (c) The failure of a board of trustees member to take the oath required by Subsection
1647 (3)(a) does not invalidate any official act of that member.

1648 (4) A board of trustees member is not limited in the number of terms the member may
1649 serve.

1650 (5) Except as provided in Subsection (6), each midterm vacancy in a board of trustees
1651 position shall be filled as provided in Section 20A-1-512.

1652 (6) (a) For purposes of this Subsection (6):

1653 (i) "Appointed official" means a person who:

1654 (A) is appointed as a member of a local district board of trustees by a county or
1655 municipality entitled to appoint a member to the board; and

1656 (B) holds an elected position with the appointing county or municipality.

1657 (ii) "Appointing entity" means the county or municipality that appointed the appointed
1658 official to the board of trustees.

1659 (b) The board of trustees shall declare a midterm vacancy for the board position held
1660 by an appointed official if:

1661 (i) during the appointed official's term on the board of trustees, the appointed official
1662 ceases to hold the elected position with the appointing entity; and

1663 (ii) the appointing entity submits a written request to the board to declare the vacancy.

1664 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
1665 appointing entity shall appoint another person to fill the remaining unexpired term on the board
1666 of trustees.

1667 (7) (a) Each member of a board of trustees shall give a bond for the faithful
1668 performance of the member's duties, in the amount and with the sureties prescribed by the
1669 board of trustees.

1670 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

1671 (8) The lieutenant governor may extend the term of an elected district board member
1672 by one year in order to compensate for a change in the election year under Subsection

1673 17B-1-306[(13)](14).

(9) (a) A local district shall:

(i) post on the Utah Public Notice Website created in Section 63F-1-701 the name, phone number, and email address of each member of the local district's board of trustees;

(ii) update the information described in Subsection (9)(a)(i) when:

(A) the membership of the board of trustees changes; or

(B) a member of the board of trustees' phone number or email address changes; and

(iii) post any update required under Subsection (9)(a)(ii) within 30 days after the day on which the change requiring the update occurs.

(b) This Subsection (9) applies regardless of whether the county or municipal legislative body also serves as the board of trustees of the local district.

Section 25. Section **17B-1-306** is amended to read:

17B-1-306. Local district board -- Election procedures.

(1) Except as provided in Subsection [~~(11)~~] (12), each elected board member shall be selected as provided in this section.

(2) (a) Each election of a local district board member shall be held:

(i) at the same time as the municipal general election or the regular general election, as applicable; and

(ii) at polling places designated by the local district board in consultation with the county clerk for each county in which the local district is located, which polling places shall coincide with municipal general election or regular general election polling places, as applicable, whenever feasible.

(b) The local district board, in consultation with the county clerk, may consolidate two or more polling places to enable voters from more than one district to vote at one consolidated polling place.

(c) (i) Subject to Subsections [~~(4)~~] (5)(h) and (i), the number of polling places under Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one polling place per division of the district, designated by the district board.

(ii) Each polling place designated by an irrigation district board under Subsection (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection (2)(a)(ii).

(3) [~~(a)~~] The clerk of each local district with a board member position to be filled at the

1705 next municipal general election or regular general election, as applicable, shall provide notice
1706 of:

1707 ~~[(i)]~~ (a) each elective position of the local district to be filled at the next municipal
1708 general election or regular general election, as applicable;

1709 ~~[(ii)]~~ (b) the constitutional and statutory qualifications for each position; and

1710 ~~[(iii)]~~ (c) the dates and times for filing a declaration of candidacy.

1711 ~~[(b) The notice required under Subsection (3)(a) shall be:]~~

1712 (4) The clerk of the local district shall publish the notice described in Subsection (3):

1713 (a) by posting the notice on the Utah Public Notice Website created in Section

1714 63F-1-701, for 10 days before the first day for filing a declaration of candidacy; and

1715 (b) (i) ~~[posted]~~ by posting the notice in at least five public places within the local
1716 district at least 10 days before the first day for filing a declaration of candidacy; or

1717 (ii) publishing the notice:

1718 (A) ~~[published]~~ in a newspaper of general circulation within the local district at least
1719 three but no more than 10 days before the first day for filing a declaration of candidacy; ~~and]~~

1720 (B) ~~[published,]~~ in accordance with Section 45-1-101, for 10 days before the first day
1721 for filing a declaration of candidacy~~[-]; and~~

1722 (c) if the local district has a website, on the local district's website for 10 days before
1723 the first day for filing a declaration of candidacy.

1724 ~~[(4)]~~ (5) (a) Except as provided in Subsection ~~[(4)]~~ (5)(c), to become a candidate for an
1725 elective local district board position, an individual shall file a declaration of candidacy in
1726 person with an official designated by the local district, during office hours, within the candidate
1727 filing period for the applicable election year in which the election for the local district board is
1728 held.

1729 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
1730 filing time shall be extended until the close of normal office hours on the following regular
1731 business day.

1732 (c) Subject to Subsection ~~[(4)]~~ (5)(f), an individual may designate an agent to file a
1733 declaration of candidacy with the official designated by the local district if:

1734 (i) the individual is located outside of the state during the entire filing period;

1735 (ii) the designated agent appears in person before the official designated by the local

1736 district; and

1737 (iii) the individual communicates with the official designated by the local district using
1738 an electronic device that allows the individual and official to see and hear each other.

1739 (d) (i) Before the filing officer may accept any declaration of candidacy from an
1740 individual, the filing officer shall:

1741 (A) read to the individual the constitutional and statutory qualification requirements for
1742 the office that the individual is seeking; and

1743 (B) require the individual to state whether the individual meets those requirements.

1744 (ii) If the individual does not meet the qualification requirements for the office, the
1745 filing officer may not accept the individual's declaration of candidacy.

1746 (iii) If it appears that the individual meets the requirements of candidacy, the filing
1747 officer shall accept the individual's declaration of candidacy.

1748 (e) The declaration of candidacy shall be in substantially the following form:

1749 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
1750 _____, City of _____, County of _____, state of Utah, (Zip
1751 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
1752 office of board of trustees member for _____ (state the name of the local
1753 district); that I am a candidate for that office to be voted upon at the next election; and that, if
1754 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
1755 period, and I hereby request that my name be printed upon the official ballot for that election.

1756 (Signed) _____

1757 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
1758 of _____, ____.

1759 (Signed) _____

1760 (Clerk or Notary Public)"

1761 (f) An agent designated under Subsection [~~(4)~~] (5)(c) may not sign the form described
1762 in Subsection [~~(4)~~] (5)(e).

1763 (g) Each individual wishing to become a valid write-in candidate for an elective local
1764 district board position is governed by Section 20A-9-601.

1765 (h) If at least one individual does not file a declaration of candidacy as required by this
1766 section, an individual shall be appointed to fill that board position in accordance with the

1767 appointment provisions of Section 20A-1-512.

1768 (i) If only one candidate files a declaration of candidacy and there is no write-in
1769 candidate who complies with Section 20A-9-601, the board, in accordance with Section
1770 20A-1-206, may:

1771 (i) consider the candidate to be elected to the position; and

1772 (ii) cancel the election.

1773 ~~[(5)]~~ (6) (a) A primary election may be held if:

1774 (i) the election is authorized by the local district board; and

1775 (ii) the number of candidates for a particular local board position or office exceeds
1776 twice the number of persons needed to fill that position or office.

1777 (b) The primary election shall be conducted:

1778 (i) on the same date as the municipal primary election or the regular primary election,
1779 as applicable; and

1780 (ii) according to the procedures for primary elections provided under Title 20A,
1781 Election Code.

1782 ~~[(6)]~~ (7) (a) Except as provided in Subsection ~~[(6)]~~ (7)(c), within one business day after
1783 the deadline for filing a declaration of candidacy, the local district clerk shall certify the
1784 candidate names to the clerk of each county in which the local district is located.

1785 (b) (i) Except as provided in Subsection ~~[(6)]~~ (7)(c) and in accordance with Section
1786 20A-6-305, the clerk of each county in which the local district is located and the local district
1787 clerk shall coordinate the placement of the name of each candidate for local district office in
1788 the nonpartisan section of the ballot with the appropriate election officer.

1789 (ii) If consolidation of the local district election ballot with the municipal general
1790 election ballot or the regular general election ballot, as applicable, is not feasible, the local
1791 district board of trustees, in consultation with the county clerk, shall provide for a separate
1792 local district election ballot to be administered by poll workers at polling locations designated
1793 under Subsection (2).

1794 (c) (i) Subsections ~~[(6)]~~ (7)(a) and (b) do not apply to an election of a member of the
1795 board of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

1796 (ii) (A) Subject to Subsection ~~[(6)]~~ (7)(c)(ii)(B), the board of each irrigation district
1797 shall prescribe the form of the ballot for each board member election.

1798 (B) Each ballot for an election of an irrigation district board member shall be in a
1799 nonpartisan format.

1800 (C) The name of each candidate shall be placed on the ballot in the order specified
1801 under Section 20A-6-305.

1802 ~~[(7)]~~ (8) (a) Each voter at an election for a board of trustees member of a local district
1803 shall:

1804 (i) be a registered voter within the district, except for an election of:

1805 (A) an irrigation district board of trustees member; or

1806 (B) a basic local district board of trustees member who is elected by property owners;

1807 and

1808 (ii) meet the requirements to vote established by the district.

1809 (b) Each voter may vote for as many candidates as there are offices to be filled.

1810 (c) The candidates who receive the highest number of votes are elected.

1811 ~~[(8)]~~ (9) Except as otherwise provided by this section, the election of local district
1812 board members is governed by Title 20A, Election Code.

1813 ~~[(9)]~~ (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve
1814 on a local district board shall serve a four-year term, beginning at noon on the January 1 after
1815 the person's election.

1816 (b) A person elected shall be sworn in as soon as practical after January 1.

1817 ~~[(10)]~~ (11) (a) Except as provided in Subsection ~~[(10)]~~ (11)(b), each local district shall
1818 reimburse the county or municipality holding an election under this section for the costs of the
1819 election attributable to that local district.

1820 (b) Each irrigation district shall bear its own costs of each election it holds under this
1821 section.

1822 ~~[(11)]~~ (12) This section does not apply to an improvement district that provides electric
1823 or gas service.

1824 ~~[(12)]~~ (13) Except as provided in Subsection 20A-3-605(1)(b), the provisions of Title
1825 20A, Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

1826 ~~[(13)]~~ (14) (a) As used in this Subsection ~~[(13)]~~ (14), "board" means:

1827 (i) a local district board; or

1828 (ii) the administrative control board of a special service district that has elected

1829 members on the board.

1830 (b) A board may hold elections for membership on the board at a regular general
1831 election instead of a municipal general election if the board submits an application to the
1832 lieutenant governor that:

1833 (i) requests permission to hold elections for membership on the board at a regular
1834 general election instead of a municipal general election; and

1835 (ii) indicates that holding elections at the time of the regular general election is
1836 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
1837 material reason.

1838 (c) Upon receipt of an application described in Subsection [~~(13)~~] (14)(b), the lieutenant
1839 governor may approve the application if the lieutenant governor concludes that holding the
1840 elections at the regular general election is beneficial based on the criteria described in
1841 Subsection [~~(13)~~] (14)(b)(ii).

1842 (d) If the lieutenant governor approves a board's application described in this section:

1843 (i) all future elections for membership on the board shall be held at the time of the
1844 regular general election; and

1845 (ii) the board may not hold elections at the time of a municipal general election unless
1846 the board receives permission from the lieutenant governor to hold all future elections for
1847 membership on the board at a municipal general election instead of a regular general election,
1848 under the same procedure, and by applying the same criteria, described in this Subsection
1849 [~~(13)~~] (14).

1850 Section 26. Section **17B-1-1001** is amended to read:

1851 **17B-1-1001. Provisions applicable to property tax levy.**

1852 (1) Each local district that levies and collects property taxes shall levy and collect them
1853 according to the provisions of Title 59, Chapter 2, Property Tax Act.

1854 (2) As used in this section:

1855 (a) "Appointed board of trustees" means a board of trustees of a local district that
1856 includes a member who is appointed to the board of trustees in accordance with Section
1857 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306[~~(4)~~](5)(h), or any of the
1858 applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of
1859 Local Districts.

(b) "Elected board of trustees" means a board of trustees of a local district that consists entirely of members who are elected to the board of trustees in accordance with Subsection (4), Section 17B-1-306, or any of the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts.

(3) (a) For a taxable year beginning on or after January 1, 2018, a local district may not levy or collect property tax revenue that exceeds the certified tax rate unless:

(i) to the extent that the revenue from the property tax was pledged before January 1, 2018, the local district pledges the property tax revenue to pay for bonds or other obligations of the local district; or

(ii) the proposed tax or increase in the property tax rate has been approved by:

(A) an elected board of trustees;

(B) subject to Subsection (3)(b), an appointed board of trustees;

(C) a majority of the registered voters within the local district who vote in an election held for that purpose on a date specified in Section 20A-1-204;

(D) the legislative body of the appointing authority; or

(E) the legislative body of:

(I) a majority of the municipalities partially or completely included within the boundary of the specified local district; or

(II) the county in which the specified local district is located, if the county has some or all of its unincorporated area included within the boundary of the specified local district.

(b) For a local district with an appointed board of trustees, each appointed member of the board of trustees shall comply with the trustee reporting requirements described in Section 17B-1-1003 before the local district may impose a property tax levy that exceeds the certified tax rate.

(4) (a) Notwithstanding provisions to the contrary in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts, and subject to Subsection (4)(b), members of the board of trustees of a local district shall be elected, if:

(i) two-thirds of all members of the board of trustees of the local district vote in favor of changing to an elected board of trustees; and

(ii) the legislative body of each municipality or county that appoints a member to the board of trustees adopts a resolution approving the change to an elected board of trustees.

(b) A change to an elected board of trustees under Subsection (4)(a) may not shorten the term of any member of the board of trustees serving at the time of the change.

(5) Subsections (2), (3), and (4) do not apply to:

(a) Title 17B, Chapter 2a, Part 6, Metropolitan Water District Act;

(b) Title 17B, Chapter 2a, Part 10, Water Conservancy District Act; or

(c) a local district in which:

(i) the board of trustees consists solely of:

(A) land owners or the land owners' agents; or

(B) as described in Subsection 17B-1-302(3), land owners or the land owners' agents or officers; and

(ii) there are no residents within the local district at the time a property tax is levied.

Section 27. Section **17B-1-1003** is amended to read:

17B-1-1003. Trustee reporting requirement.

(1) As used in this section:

(a) "Appointed board of trustees" means a board of trustees of a local district that includes a member who is appointed to the board of trustees in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306(4)(h), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts.

(b) "Legislative entity" means:

(i) the member's appointing authority, if the appointing authority is a legislative body; or

(ii) the member's nominating entity, if the appointing authority is not a legislative body.

(c) (i) "Member" means an individual who is appointed to a board of trustees for a local district in accordance with Section 17B-1-304, Subsection 17B-1-303(5), Subsection 17B-1-306~~(4)~~(5)(h), or any of the applicable provisions in Title 17B, Chapter 2a, Provisions Applicable to Different Types of Local Districts.

(ii) "Member" includes a member of the board of trustees who holds an elected position with a municipality, county, or another local district that is partially or completely included within the boundaries of the local district.

(d) "Nominating entity" means the legislative body that submits nominees for

1922 appointment to the board of trustees to an appointing authority.

1923 (e) "Property tax increase" means a property tax levy that exceeds the certified tax rate
1924 for the taxable year.

1925 (2) (a) If a local district board of trustees adopts a tentative budget that includes a
1926 property tax increase, each member shall report to the member's legislative entity on the
1927 property tax increase.

1928 (b) (i) The local district shall request that each of the legislative entities that appoint or
1929 nominate a member to the local district's board of trustees hear the report required by
1930 Subsection (2)(a) at a public meeting of each legislative entity.

1931 (ii) The request to make a report may be made by:

1932 (A) the member appointed or nominated by the legislative entity; or

1933 (B) another member of the board of trustees.

1934 (c) The member appointed or nominated by the legislative entity shall make the report
1935 required by Subsection (2)(a) at a public meeting that:

1936 (i) complies with Title 52, Chapter 4, Open and Public Meetings Act;

1937 (ii) includes the report as a separate agenda item; and

1938 (iii) is held within 40 days after the day on which the legislative entity receives a
1939 request to hear the report.

1940 (d) (i) If the legislative entity does not have a scheduled meeting within 40 days after
1941 the day on which the legislative entity receives a request to hear the report required by
1942 Subsection (2)(a), the legislative entity shall schedule a meeting for that purpose.

1943 (ii) If the legislative entity fails to hear the report at a public meeting that meets the
1944 criteria described in Subsection (2)(c), the trustee reporting requirements under this section
1945 shall be considered satisfied.

1946 (3) (a) A report on a property tax increase at a legislative entity's public meeting shall
1947 include:

1948 (i) a statement that the local district intends to levy a property tax at a rate that exceeds
1949 the certified tax rate for the taxable year;

1950 (ii) the dollar amount of and purpose for additional ad valorem tax revenue that would
1951 be generated by the proposed increase in the certified tax rate;

1952 (iii) the approximate percentage increase in ad valorem tax revenue for the local

1953 district based on the proposed property tax increase; and

1954 (iv) any other information requested by the legislative entity.

1955 (b) The legislative entity shall allow time during the meeting for comment from the
1956 legislative entity and members of the public on the property tax increase.

1957 (4) (a) If more than one member is appointed to the board of trustees by the same
1958 legislative entity, a majority of the members appointed or nominated by the legislative entity
1959 shall be present to provide the report required by Subsection (2) and described in Subsection
1960 (3).

1961 (b) The chair of the board of trustees shall appoint another member of the board of
1962 trustees to provide the report described in Subsection (3) to the legislative entity if:

1963 (i) the member appointed or nominated by the legislative entity is unable or unwilling
1964 to provide the report at a public meeting that meets the requirements of Subsection (3)(a); and

1965 (ii) the absence of the member appointed or nominated by the legislative entity results
1966 in:

1967 (A) no member who was appointed or nominated by the legislative entity being present
1968 to provide the report; or

1969 (B) an inability to comply with Subsection (4)(a).

1970 (5) A local district board of trustees may approve a property tax increase only after the
1971 conditions of this section have been satisfied or considered satisfied for each member of the
1972 board of trustees.

1973 Section 28. Section **17B-2a-705** is amended to read:

1974 **17B-2a-705. Taxation -- Additional levy -- Election.**

1975 (1) If a mosquito abatement district board of trustees determines that the funds required
1976 during the next ensuing fiscal year will exceed the maximum amount that the district is
1977 authorized to levy under Subsection 17B-1-103(2)(g), the board of trustees may call an election
1978 on a date specified in Section 20A-1-204 and submit to district voters the question of whether
1979 the district should be authorized to impose an additional tax to raise the necessary additional
1980 funds.

1981 ~~[(2) The board shall, for at least four weeks before the election:]~~

1982 ~~[(a) publish notice of the election in a daily or weekly newspaper published in the~~
1983 ~~district; or]~~

~~[(b) if there is no daily or weekly newspaper published in the district, post notice of the election in three public places in the district.]~~

(2) The board shall publish notice of the election:

(a) (i) in a newspaper of general circulation within the district at least once, no later than four weeks before the day of the election;

(ii) if there is no newspaper of general circulation in the district, at least four weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the district, in places within the district that are most likely to give notice to the voters in the district; or

(iii) at least four weeks before the day of the election, by mailing notice to each registered voter in the district;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks before the day of the election;

(c) in accordance with Section 45-1-101, for four weeks before the day of the election; and

(d) if the district has a website, on the district's website for four weeks before the day of the election.

(3) No particular form of ballot is required, and no informalities in conducting the election may invalidate the election, if it is otherwise fairly conducted.

(4) At the election each ballot shall contain the words, "Shall the district be authorized to impose an additional tax to raise the additional sum of \$ ____?"

(5) The board of trustees shall canvass the votes cast at the election, and, if a majority of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an additional levy to raise the additional amount of money required.

Section 29. Section **17D-3-305** is amended to read:

17D-3-305. Setting the date of an election of the board of supervisors -- Notice of the election.

(1) The commission shall~~[-(a)]~~ set the date of the election of members of the board of supervisors of a conservation district~~[-and]~~.

~~[(b)]~~ (2) The commission shall publish notice of the election described in Subsection (1):

~~[(i) in a newspaper or other media outlet method with general circulation within the conservation district; and]~~

~~[(ii) as required in Section 45-1-101.]~~

(a) (i) in a newspaper of general circulation within the conservation district at least once, no later than four weeks before the day of the election;

(ii) if there is no newspaper of general circulation in the conservation district, at least four weeks before the day of the election, by posting one notice, and at least one additional notice per 2,000 population of the conservation district, in places within the conservation district that are most likely to give notice to the voters in the conservation district; or

(iii) at least four weeks before the day of the election, by mailing notice to each registered voter in the conservation district;

(b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks before the day of the election;

(c) in accordance with Section 45-1-101, for four weeks before the day of the election; and

(d) if the conservation district has a website, on the conservation district's website for four weeks before the day of the election.

~~[(2)]~~ (3) The date set for an election under Subsection (1)~~[(a)]~~ may not be later than six weeks after the date set by the commission for the close of nominations.

~~[(3)]~~ (4) The notice required under Subsection ~~[(1)(b)]~~ (2) shall:

(a) state:

(i) the date of the election;

(ii) the names of all candidates; and

(iii) that a ballot request form for the election may be obtained from the commission office or from any other place that the commission designates; and

(b) specify the address of the commission office or other place where a ballot request form may be obtained.

Section 30. Section **20A-1-104**, which is renumbered from Section 20A-1-401 is renumbered and amended to read:

~~[20A-1-401].~~ **20A-1-104. Computation of time.**

~~[(1) Courts and election officers shall construe the provisions of this title liberally to~~

2046 ~~carry out the intent of this title.]~~

2047 (1) (a) Except as provided in Subsection (1)(b), unless expressly provided otherwise in
2048 this title, if a person is required to complete an action on a certain day, on or before a certain
2049 day, or within one day or a period of days, the person may complete the action anytime before
2050 midnight on the final day.

2051 (b) If a person is required to complete an action in relation to a court proceeding, the
2052 rules of the court govern the requirements regarding the time of deadlines.

2053 (2) Except as provided under Subsection (3), Saturdays, Sundays, and holidays shall be
2054 included in all computations of days made under ~~[the provisions of]~~ this title.

2055 (3) (a) Saturdays, Sundays, and holidays are not included in computations of days if
2056 the days are specified in this title as business days or working days.

2057 (b) Unless otherwise ~~[specifically]~~ expressly provided for ~~[under]~~ in this title:

2058 ~~[(a)]~~ (i) when computing any number of days before or after a specified date or event
2059 ~~[under this title]~~, the specified date or day of the event is not included in the count; ~~[and]~~

2060 ~~[(b)-(i)]~~ (ii) if the commencement date of a time period preceding a specified date or
2061 event falls on a Saturday, Sunday, or legal holiday, the following business day shall be used;

2062 ~~[(ii)]~~ (iii) if the last day of a time period following a specified date or event falls on a
2063 Saturday, Sunday, or legal holiday, the time period ~~[shall be]~~ is extended to the following
2064 business day; and

2065 ~~[(iii)]~~ (iv) if a deadline that falls before or after a specified date or event falls on a
2066 Saturday, Sunday, or legal holiday, the deadline shall be considered to fall on the following
2067 business day.

2068 Section 31. Section **20A-1-206** is amended to read:

2069 **20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**
2070 **Notice.**

2071 (1) A municipal legislative body may cancel a local election if:

2072 (a) (i) (A) all municipal officers are elected in an at-large election under Subsection
2073 10-3-205.5(1); and

2074 (B) the number of municipal officer candidates, including any eligible write-in
2075 candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the
2076 number of open at-large municipal offices for which the candidates have filed; or

2077 (ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);
2078 (B) the number of municipal officer candidates, including any eligible write-in
2079 candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed
2080 the number of open at-large municipal offices for which the candidates have filed; and
2081 (C) each municipal officer candidate, including any eligible write-in candidates under
2082 Section 20A-9-601, in each district is unopposed;
2083 (b) there are no other municipal ballot propositions; and
2084 (c) the municipal legislative body passes, no later than 20 days before the day of the
2085 scheduled election, a resolution that cancels the election and certifies that:
2086 (i) each municipal officer candidate is:
2087 (A) unopposed; or
2088 (B) a candidate for an at-large municipal office for which the number of candidates
2089 does not exceed the number of open at-large municipal offices; and
2090 (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
2091 (2) A municipal legislative body that cancels a local election in accordance with
2092 Subsection (1) shall give notice that the election is cancelled by ~~[posting notice]~~:
2093 (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter
2094 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day
2095 of the scheduled election;
2096 (b) if the municipality has a public website, posting notice on the municipality's public
2097 website for 15 days before the day of the scheduled election;
2098 (c) if the municipality publishes a newsletter or other periodical, publishing notice in
2099 the next scheduled newsletter or other periodical published before the day of the scheduled
2100 election; ~~[and]~~
2101 (d) (i) publishing notice at least twice in a newspaper of general circulation ~~[within]~~ in
2102 the municipality before the day of the scheduled election; ~~[or]~~
2103 (ii) if there is no newspaper of general circulation ~~[within]~~ in the municipality, ~~[in at~~
2104 ~~least three conspicuous places within the boundaries of the municipality]~~ at least 10 days before
2105 the day of the scheduled election~~[-]~~, by posting one notice, and at least one additional notice per
2106 2,000 population within the municipality, in places within the municipality that are most likely
2107 to give notice to the voters in the municipality; or

2108 (iii) at least 10 days before the day of the scheduled election, mailing notice to each
2109 registered voter in the municipality; and

2110 (e) in accordance with Section 45-1-101, publishing notice for at least 10 days before
2111 the day of the scheduled election.

2112 (3) A local district board may cancel an election as described in Section 17B-1-306 if:

2113 (a) (i) (A) any local district officers are elected in an at-large election; and

2114 (B) the number of local district officer candidates for the at-large local district offices,
2115 including any eligible write-in candidates under Section 20A-9-601, does not exceed the
2116 number of open at-large local district offices for which the candidates have filed; or

2117 (ii) (A) the local district has divided the local district into divisions under Section
2118 17B-1-306.5;

2119 (B) the number of local district officer candidates, including any eligible write-in
2120 candidates under Section 20A-9-601, for the at-large local district offices within the local
2121 district, if any, does not exceed the number of open at-large local district offices for which the
2122 candidates have filed; and

2123 (C) each local district officer candidate, including any eligible write-in candidates
2124 under Section 20A-9-601, in each division of the local district is unopposed;

2125 (b) there are no other local district ballot propositions; and

2126 (c) the local district governing body, no later than 20 days before the day of the
2127 scheduled election, adopts a resolution that cancels the election and certifies that:

2128 (i) each local district officer candidate is:

2129 (A) unopposed; or

2130 (B) a candidate for an at-large local district office for which the number of candidates
2131 does not exceed the number of open at-large local district offices; and

2132 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

2133 (4) A local district that cancels a local election in accordance with Subsection (3) shall
2134 ~~[give]~~ publish notice that the election is cancelled ~~[by posting notice]~~:

2135 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter
2136 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day
2137 of the scheduled election;

2138 (b) if the local district has a public website, by posting notice on the local district's

2139 public website for 15 days before the day of the scheduled election;

2140 (c) if the local district publishes a newsletter or other periodical, by publishing notice
2141 in the next scheduled newsletter or other periodical published before the day of the scheduled
2142 election; ~~[and]~~

2143 (d) (i) at least twice in a newspaper of general circulation ~~[within]~~ in the local district
2144 before ~~[the day of]~~ the scheduled election; ~~[or]~~

2145 (ii) if there is no newspaper of general circulation ~~[within]~~ in the local district, ~~[in at~~
2146 ~~least three conspicuous places within the boundaries of the local district]~~ at least 10 days before
2147 the day of the scheduled election~~[-]~~, by posting one notice, and at least one additional notice per
2148 2,000 population of the local district, in places within the local district that are most likely to
2149 give notice to the voters in the local district; or

2150 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each
2151 registered voter in the local district; and

2152 (e) in accordance with Section 45-1-101, for at least 10 days before the day of the
2153 scheduled election.

2154 (5) A municipal legislative body that posts a notice in accordance with Subsection
2155 (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for
2156 a notice that fails to post due to technical or other error by the publisher of the Statewide
2157 Electronic Voter Information Website.

2158 Section 32. Section **20A-1-503** is amended to read:

2159 **20A-1-503. Midterm vacancies in the Legislature.**

2160 (1) As used in this section:

2161 (a) "Filing deadline" means the final date for filing:

2162 (i) a declaration of candidacy as provided in Section 20A-9-202; and

2163 (ii) a certificate of nomination as provided in Section 20A-9-503.

2164 (b) "Party liaison" means the political party officer designated to serve as a liaison with
2165 the lieutenant governor on all matters relating to the political party's relationship with the state
2166 as required by Section 20A-8-401.

2167 (2) When a vacancy occurs for any reason in the office of representative in the
2168 Legislature, the governor shall fill the vacancy by immediately appointing the person whose
2169 name was submitted by the party liaison of the same political party as the prior representative.

(3) (a) Except as provided by Subsection (5), when a vacancy occurs for any reason in the office of senator in the Legislature, it shall be filled for the unexpired term at the next regular general election.

(b) The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

(4) (a) If a vacancy described in Subsection (3)(a) occurs after the filing deadline but before August 31 of an even-numbered year in which the term of office does not expire, the lieutenant governor shall:

(i) establish a date and time, which is before the date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred, by which a person intending to obtain a position on the ballot for the vacant office shall file:

(A) a declaration of candidacy; or

(B) a certificate of nomination; and

(ii) give notice of the vacancy and the date and time described in Subsection (4)(a)(i):

(A) on the lieutenant governor's website; and

(B) to each registered political party.

(b) A person intending to obtain a position on the ballot for the vacant office shall:

(i) ~~[by]~~ before the date and time specified in Subsection (4)(a)(i), file a declaration of candidacy or certificate of nomination according to the procedures and requirements of Chapter 9, Candidate Qualifications and Nominating Procedures; and

(ii) run in the regular general election if:

(A) nominated as a party candidate; or

(B) qualified as an unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and Nominating Procedures.

(c) If a vacancy described in Subsection (3)(a) occurs on or after the first Monday after the third Saturday in April and before August 31 of an even-numbered year in which the term of office does not expire, a party liaison from each registered political party may submit a name of a person described in Subsection (4)(b) to the lieutenant governor ~~[by]~~ before 5 p.m. no later than August 30 for placement on the regular general election ballot.

(5) If a vacancy described in Subsection (3)(a) occurs on or after August 31 of an even-numbered year in which a term does not expire, the governor shall fill the vacancy for the unexpired term by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Section 33. Section **20A-1-508** is amended to read:

20A-1-508. Midterm vacancies in county elected offices -- Temporary manager -- Interim replacement.

(1) As used in this section:

(a) (i) "County offices" includes the county executive, members of the county legislative body, the county treasurer, the county sheriff, the county clerk, the county auditor, the county recorder, the county surveyor, and the county assessor.

(ii) "County offices" does not include the office of county attorney, district attorney, or judge.

(b) "Party liaison" means the political party officer designated to serve as a liaison with each county legislative body on all matters relating to the political party's relationship with a county as required by Section 20A-8-401.

(2) (a) Until a county legislative body appoints an interim replacement to fill a vacant county office under Subsection (3), the following shall temporarily fill the county office as a temporary manager:

(i) for a county office with one chief deputy, the chief deputy;

(ii) for a county office with more than one chief deputy:

(A) the chief deputy with the most cumulative time served as a chief deputy for the county office; or

(B) notwithstanding Subsection (2)(a)(ii)(A), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's chief deputies to discharge the duties of the county office in the event the county officer vacates the office, the designated chief deputy; or

(iii) for a county office without a chief deputy:

(A) if one management-level employee serving under the county office has a higher-seniority management level than any other employee serving under the county office, that management-level employee;

(B) if two or more management-level employees serving under the county office have the same and highest-seniority management level, the highest-seniority management-level employee with the most cumulative time served in the employee's current position; or

(C) notwithstanding Subsection (2)(a)(iii)(A) or (B), if, before the vacating county officer vacates the office, the county officer files with the county clerk a written statement designating one of the county officer's employees to discharge the county officer's duties in the event the county officer vacates the office, the designated employee.

(b) Except as provided in Subsection (2)(c), a temporary manager described in Subsection (2)(a) who temporarily fills a county office holds the powers and duties of the county office until the county legislative body appoints an interim replacement under Subsection (3).

(c) The temporary manager described in Subsection (2)(a) who temporarily fills a county office:

(i) may not take an oath of office for the county office as a temporary manager;

(ii) shall comply with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties, and the county's budget ordinances and policies;

(iii) unless approved by the county legislative body, may not change the compensation of an employee;

(iv) unless approved by the county legislative body, may not promote or demote an employee or change an employee's job title;

(v) may terminate an employee only if the termination is conducted in accordance with:

(A) personnel rules described in Subsection 17-33-5(3) that are approved by the county legislative body; and

(B) applicable law;

(vi) unless approved by the county legislative body, may not exceed by more than 5% an expenditure that was planned before the county office that the temporary manager fills was vacated;

(vii) except as provided in Subsection (2)(c)(viii), may not receive a change in title or compensation; and

(viii) if approved by the county legislative body, may receive a performance award after:

2263 (A) the county legislative body appoints an interim replacement under Subsection (3);
2264 and

2265 (B) the interim replacement is sworn into office.

2266 (3) (a) Until a replacement is selected as provided in this section and has qualified, the
2267 county legislative body shall appoint an interim replacement to fill the vacant office by
2268 following the procedures and requirements of this Subsection (3).

2269 (b) (i) To appoint an interim replacement, the county legislative body shall give notice
2270 of the vacancy to the party liaison of the same political party of the prior office holder and
2271 invite that party liaison to submit the name of a person to fill the vacancy.

2272 (ii) That party liaison shall, before 5 p.m., within 30 days after the day on which the
2273 county legislative body gives the notice described in Subsection (3)(b)(i), submit the name of
2274 the person selected in accordance with the party constitution or bylaws as described in Section
2275 20A-8-401 for the interim replacement to the county legislative body.

2276 (iii) The county legislative body shall no later than five days after the day on which a
2277 party liaison submits the name of the person for the interim replacement appoint the person to
2278 serve out the unexpired term.

2279 (c) (i) If the county legislative body fails to appoint an interim replacement to fill the
2280 vacancy in accordance with Subsection (3)(b)(iii), the county clerk shall send to the governor a
2281 letter that:

2282 (A) informs the governor that the county legislative body has failed to appoint a
2283 replacement within the statutory time period; and

2284 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2285 (ii) The governor shall appoint the person named by the party liaison as an interim
2286 replacement to fill the vacancy within 30 days after ~~[receipt of]~~ the day on which the governor
2287 receives the letter.

2288 (d) A person appointed as interim replacement under this Subsection (3) shall hold
2289 office until their successor is elected and has qualified.

2290 (4) (a) The requirements of this Subsection (4) apply to all county offices that become
2291 vacant if:

2292 (i) the vacant office has an unexpired term of two years or more; and

2293 (ii) the vacancy occurs after the election at which the person was elected but before

2294 April 10 of the next even-numbered year.

2295 (b) (i) When the conditions established in Subsection (4)(a) are met, the county clerk
2296 shall notify the public and each registered political party that the vacancy exists.

2297 (ii) An individual intending to become a candidate for the vacant office shall file a
2298 declaration of candidacy in accordance with:

2299 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2300 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2301 applicable.

2302 (iii) An individual who is nominated as a party candidate for the vacant office or
2303 qualified as an independent or write-in candidate under Chapter 8, Political Party Formation
2304 and Procedures, for the vacant office shall run in the regular general election.

2305 (5) (a) The requirements of this Subsection (5) apply to all county offices that become
2306 vacant if:

2307 (i) the vacant office has an unexpired term of two years or more; and

2308 (ii) the vacancy occurs after April 9 of the next even-numbered year but more than 75
2309 days before the regular primary election.

2310 (b) (i) When the conditions established in Subsection (5)(a) are met, the county clerk
2311 shall notify the public and each registered political party that:

2312 (A) the vacancy exists; and

2313 (B) identifies the date and time by which a person interested in becoming a candidate
2314 shall file a declaration of candidacy.

2315 (ii) An individual intending to become a candidate for a vacant office shall, within five
2316 days after the date that the notice is made, ending at the close of normal office hours on the
2317 fifth day, file a declaration of candidacy for the vacant office in accordance with:

2318 (A) Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy; and

2319 (B) for a county commission office, Subsection 17-52a-201(6) or 17-52a-202(6), if
2320 applicable.

2321 (iii) The county central committee of each party shall:

2322 (A) select a candidate or candidates from among those qualified candidates who have
2323 filed declarations of candidacy; and

2324 (B) certify the name of the candidate or candidates to the county clerk ~~[at least]~~ before

2325 5 p.m. no later than 60 days before the day of the regular primary election.

2326 (6) (a) The requirements of this Subsection (6) apply to all county offices that become
2327 vacant:

2328 (i) if the vacant office has an unexpired term of two years or more; and

2329 (ii) when 75 days or less remain before the day of the regular primary election but more
2330 than 65 days remain before the day of the regular general election.

2331 (b) When the conditions established in Subsection (6)(a) are met, the county central
2332 committees of each political party registered under this title that wishes to submit a candidate
2333 for the office shall summarily certify the name of one candidate to the county clerk for
2334 placement on the regular general election ballot.

2335 (7) (a) The requirements of this Subsection (7) apply to all county offices that become
2336 vacant:

2337 (i) if the vacant office has an unexpired term of less than two years; or

2338 (ii) if the vacant office has an unexpired term of two years or more but 65 days or less
2339 remain before the day of the next regular general election.

2340 (b) (i) When the conditions established in Subsection (7)(a) are met, the county
2341 legislative body shall give notice of the vacancy to the party liaison of the same political party
2342 as the prior office holder and invite that party liaison to submit the name of a person to fill the
2343 vacancy.

2344 (ii) That party liaison shall, before 5 p.m., within 30 days after the day on which the
2345 county legislative body gives the notice described in Subsection (7)(b)(i), submit the name of
2346 the person to fill the vacancy to the county legislative body.

2347 (iii) The county legislative body shall no later than five days after the day on which a
2348 party liaison submits the name of the person to fill the vacancy appoint the person to serve out
2349 the unexpired term.

2350 (c) (i) If the county legislative body fails to appoint a person to fill the vacancy in
2351 accordance with Subsection (7)(b)(iii), the county clerk shall send to the governor a letter that:

2352 (A) informs the governor that the county legislative body has failed to appoint a person
2353 to fill the vacancy within the statutory time period; and

2354 (B) contains the name of the person to fill the vacancy submitted by the party liaison.

2355 (ii) The governor shall appoint the person named by the party liaison to fill the vacancy

2356 within 30 days after ~~[receipt of]~~ the day on which the governor receives the letter.

2357 (d) A person appointed to fill the vacancy under this Subsection (7) shall hold office
2358 until their successor is elected and has qualified.

2359 (8) Except as otherwise provided by law, the county legislative body may appoint
2360 replacements to fill all vacancies that occur in those offices filled by appointment of the county
2361 legislative body.

2362 (9) Nothing in this section prevents or prohibits independent candidates from filing a
2363 declaration of candidacy for the office within the same time limits.

2364 (10) (a) Each person elected under Subsection (4), (5), or (6) to fill a vacancy in a
2365 county office shall serve for the remainder of the unexpired term of the person who created the
2366 vacancy and until a successor is elected and qualified.

2367 (b) Nothing in this section may be construed to contradict or alter the provisions of
2368 Section 17-16-6.

2369 Section 34. Section **20A-1-509.1** is amended to read:

2370 **20A-1-509.1. Procedure for filling midterm vacancy in county or district with 15**
2371 **or more attorneys.**

2372 (1) When a vacancy occurs in the office of county or district attorney in a county or
2373 district having 15 or more attorneys who are licensed active members in good standing with the
2374 Utah State Bar and registered voters, the vacancy shall be filled as provided in this section.

2375 (2) (a) The requirements of this Subsection (2) apply when the office of county
2376 attorney or district attorney becomes vacant and:

2377 (i) the vacant office has an unexpired term of two years or more; and

2378 (ii) the vacancy occurs before the third Thursday in March of the even-numbered year.

2379 (b) When the conditions established in Subsection (2)(a) are met, the county clerk shall
2380 notify the public and each registered political party that the vacancy exists.

2381 (c) All persons intending to become candidates for the vacant office shall:

2382 (i) file a declaration of candidacy according to the procedures and requirements of
2383 Chapter 9, Part 2, Candidate Qualifications and Declarations of Candidacy;

2384 (ii) if nominated as a party candidate or qualified as an independent or write-in
2385 candidate under Chapter 9, Candidate Qualifications and Nominating Procedures, run in the
2386 regular general election; and

2387 (iii) if elected, complete the unexpired term of the person who created the vacancy.

2388 (d) If the vacancy occurs after the second Friday in March and before the third

2389 Thursday in March, the time for filing a declaration of candidacy under Section 20A-9-202

2390 shall be extended until 5 p.m. seven days after the county clerk gives notice under Subsection

2391 (2)(b), but no later than 5 p.m. the fourth Thursday in March.

2392 (3) (a) The requirements of this Subsection (3) apply when the office of county

2393 attorney or district attorney becomes vacant and:

2394 (i) the vacant office has an unexpired term of two years or more; and

2395 (ii) the vacancy occurs after the third Thursday in March of the even-numbered year

2396 but more than 75 days before the regular primary election.

2397 (b) When the conditions established in Subsection (3)(a) are met, the county clerk

2398 shall:

2399 (i) notify the public and each registered political party that the vacancy exists; and

2400 (ii) identify the date and time by which a person interested in becoming a candidate

2401 shall file a declaration of candidacy.

2402 (c) All persons intending to become candidates for the vacant office shall:

2403 (i) before 5 p.m. within five days after the [~~date that the notice is made, ending at the~~

2404 ~~close of normal office hours on the fifth day~~] day on which the county clerk gives the notice

2405 described in Subsection (3)(b)(i), file a declaration of candidacy for the vacant office as

2406 required by Chapter 9, Part 2, Candidate Qualifications and Declaration of Candidacy; and

2407 (ii) if elected, complete the unexpired term of the person who created the vacancy.

2408 (d) The county central committee of each party shall:

2409 (i) select a candidate or candidates from among those qualified candidates who have

2410 filed declarations of candidacy; and

2411 (ii) certify the name of the candidate or candidates to the county clerk [~~at least~~];

2412 (A) before 5 p.m. no later than 60 days before the day of the regular primary

2413 election[-]; or

2414 (B) electronically, before midnight no later than 60 days before the day of the regular

2415 primary election.

2416 (4) (a) The requirements of this Subsection (4) apply when the office of county

2417 attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of two years or more; and

(ii) 75 days or less remain before the regular primary election but more than 65 days remain before the regular general election.

(b) When the conditions established in Subsection (4)(a) are met, the county central committees of each registered political party that wish to submit a candidate for the office shall ~~[summarily]~~, not later than five days after the day on which the vacancy occurs, certify the name of one candidate to the county clerk for placement on the regular general election ballot.

(c) The candidate elected shall complete the unexpired term of the person who created the vacancy.

(5) (a) The requirements of this Subsection (5) apply when the office of county attorney or district attorney becomes vacant and:

(i) the vacant office has an unexpired term of less than two years; or

(ii) the vacant office has an unexpired term of two years or more but 65 days or less remain before the next regular general election.

(b) When the conditions established in Subsection (5)(a) are met, the county legislative body shall give notice of the vacancy to the county central committee of the same political party of the prior officeholder and invite that committee to submit the names of three nominees to fill the vacancy.

(c) That county central committee shall, within 30 days ~~[of receiving notice from]~~ after the day on which the county legislative body gives the notice described in Subsection (5)(b), submit to the county legislative body the names of three nominees to fill the vacancy.

(d) The county legislative body shall, within 45 days after the vacancy occurs, appoint one of those nominees to serve out the unexpired term.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 45 days, the county clerk shall send to the governor a letter that:

(i) informs the governor that the county legislative body has failed to appoint a person to fill the vacancy within the statutory time period; and

(ii) contains the list of nominees submitted by the party central committee.

(f) The governor shall appoint a person to fill the vacancy from that list of nominees within 30 days after receipt of the letter.

(g) A person appointed to fill the vacancy under this Subsection (5) shall complete the

2449 unexpired term of the person who created the vacancy.

2450 (6) Nothing in this section prevents or prohibits independent candidates from filing a
2451 declaration of candidacy for the office within the required time limits.

2452 Section 35. Section **20A-1-509.2** is amended to read:

2453 **20A-1-509.2. Procedure for filling vacancy in county or district with fewer than**
2454 **15 attorneys.**

2455 (1) When a vacancy occurs in the office of county or district attorney, including a
2456 vacancy created by the failure of a person to file as a candidate for the office of county or
2457 district attorney in an election, in a county or district having fewer than 15 attorneys who are
2458 licensed, active members in good standing with the Utah State Bar and registered voters, the
2459 vacancy shall be filled as provided in this section.

2460 (2) The county clerk shall send a letter to each attorney residing in the county or district
2461 who is a licensed, active member in good standing with the Utah State Bar and a registered
2462 voter that:

2463 (a) informs the attorney of the vacancy;

2464 (b) invites the attorney to apply for the vacancy; and

2465 (c) informs the attorney that if the attorney has not responded before 5 p.m. within 10
2466 calendar days [~~from the date that the letter was mailed~~] after the day on which the county clerk
2467 sends the letter, the attorney's candidacy to fill the vacancy will not be considered.

2468 (3) (a) (i) If, [~~after 10 calendar days from the date the letter was mailed~~] before the
2469 deadline described in Subsection (2)(c), more than three attorneys who are licensed, active
2470 members in good standing with the Utah State Bar and registered voters in the county or
2471 district have applied for the vacancy, the county clerk shall, except as provided in Subsection
2472 (3)(a)(ii), submit the applications to the county central committee of the same political party of
2473 the prior officeholder.

2474 (ii) In multicounty prosecution districts, the clerk shall submit the applications to the
2475 county central committee of each county within the prosecution district.

2476 (b) The central committee shall nominate three of the applicants and forward the
2477 applicants' names to the county legislative body before 5 p.m. within 20 days after the [~~date~~]
2478 day on which the county clerk [~~submitted~~] submits the applicants' names under Subsection
2479 (3)(a).

(c) The county legislative body shall appoint one of the nominees to fill the vacant position.

(d) If the central committee of the political party fails to submit at least three names to the county legislative body [~~within 20 days after the date the county clerk submitted the applicants' names~~] before the deadline described in Subsection (3)(b), the county legislative body shall appoint one of the applicants to fill the vacant position.

(e) If the county legislative body fails to appoint a person to fill the vacancy within 120 days after the day on which the vacancy occurs, the county clerk shall mail to the governor:

(i) a letter informing the governor that the county legislative body has failed to appoint a person to fill the vacancy; and

(ii) (A) the list of nominees, if any, submitted by the central committee of the political party; or

(B) if the party central committee has not submitted a list of at least three nominees within the required time, the names of the persons who submitted applications for the vacant position to the county clerk.

(f) The governor shall appoint, within 30 days after [~~receipt of~~] the day on which the governor receives the letter, a person from the list to fill the vacancy.

(4) (a) If, [~~after 10 calendar days from the date the letter was mailed~~] before the deadline described in Subsection (2)(c), three or fewer attorneys who are licensed, active members in good standing with the Utah State Bar and registered voters in the county or district have applied for the vacancy, the county legislative body may:

(i) appoint one of them to be county or district attorney; or

(ii) solicit additional applicants and appoint a county or district attorney as provided in Subsection (4)(b).

(b) (i) If three or fewer attorneys who are licensed members in good standing of the Utah State Bar and registered voters in the county or district submit applications, the county legislative body may publicly solicit and accept additional applications for the position from licensed, active members in good standing of the Utah State Bar who are not residents of the county or prosecution district.

(ii) The county legislative body shall consider the applications submitted by the attorneys who are residents of and registered voters in the county or prosecution district and the

2511 applications submitted by the attorneys who are not residents of the county or prosecution
2512 district and shall appoint one of the applicants to be county attorney or district attorney.

2513 (c) If the legislative body fails to appoint a person to fill the vacancy within 120 days
2514 after the day on which the vacancy occurs, the county clerk shall:

2515 (i) notify the governor that the legislative body has failed to fill the vacancy within the
2516 required time period; and

2517 (ii) provide the governor with a list of all the applicants.

2518 (d) The governor shall appoint a person to fill the vacancy within 30 days after the day
2519 on which the governor receives the notification.

2520 (5) The person appointed to fill the vacancy shall serve for the unexpired term of the
2521 person who created the vacancy.

2522 Section 36. Section **20A-1-511** is amended to read:

2523 **20A-1-511. Midterm vacancies on local school boards.**

2524 (1) (a) A local school board shall fill vacancies on the board by appointment, except as
2525 otherwise provided in Subsection (2).

2526 (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the
2527 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by
2528 appointment.

2529 (c) A member appointed and qualified under this Subsection (1) shall serve until a
2530 successor is elected or appointed and qualified.

2531 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by
2532 an election to fill a two-year term if:

2533 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
2534 at least 14 days before the deadline for filing a declaration of candidacy; and

2535 (ii) two years of the vacated term will remain after the first Monday of January
2536 following the next school board election.

2537 (b) Members elected under this Subsection (2) shall serve for the remaining two years
2538 of the vacated term and until a successor is elected and qualified.

2539 (3) Before appointing an individual to fill a vacancy under this section, the local school
2540 board shall:

2541 (a) give public notice of the vacancy at least two weeks before the local school board

2542 meets to fill the vacancy;

2543 (b) identify, in the notice:

2544 (i) the date, time, and place of the meeting where the vacancy will be filled; and

2545 (ii) the person to whom and the date [by] and time before which an individual
2546 interested in being appointed to fill the vacancy may submit the individual's name for
2547 consideration; and

2548 (c) in an open meeting, interview each individual whose name is submitted for
2549 consideration and who meets the qualifications for office, regarding the individual's
2550 qualifications.

2551 (4) (a) Subject to Subsection (4)(b), a local school board may appoint an individual to
2552 fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the
2553 local school board submits a letter of resignation.

2554 (b) An individual appointed under Subsection (4)(a) may not take office until on or
2555 after the day on which the vacancy occurs for which the individual is appointed.

2556 (c) A member of a local school board who submits a letter of resignation under
2557 Subsection (4)(a) may not rescind the resignation after the local school board makes an
2558 appointment to fill the vacancy created by the resignation.

2559 Section 37. Section **20A-1-513** is amended to read:

2560 **20A-1-513. Temporary absence in elected office of a political subdivision for**
2561 **military service.**

2562 (1) As used in this section:

2563 (a) "Armed forces" means:

2564 (i) the Army of the United States;

2565 (ii) the United States Navy;

2566 (iii) the United States Air Force;

2567 (iv) the Marine Corps;

2568 (v) the Coast Guard;

2569 (vi) the National Guard; or

2570 (vii) a reserve or auxiliary of an entity listed in Subsections (1)(a)(i) through (vi).

2571 (b) (i) "Elected official" is a person who holds an office of a political subdivision that
2572 is required by law to be filled by an election.

(ii) "Elected official" includes a person who is appointed to fill a vacancy in an office described in Subsection (1)(b)(i).

(c) (i) "Military leave" means the temporary absence from an office:

(A) by an elected official called to active, full-time duty in the armed forces; and

(B) for a period of time that exceeds 30 days and does not exceed 400 days.

(ii) "Military leave" includes the time a person described in Subsection (1)(c)(i) spends for:

(A) out processing;

(B) an administrative delay;

(C) accrued leave; and

(D) on rest and recuperation leave program of the armed forces.

(d) "Political subdivision's governing body" means:

(i) for a county, city, or town, the legislative body of the county, city, or town;

(ii) for a local district, the board of trustees of the local district;

(iii) for a local school district, the local school board;

(iv) for a special service district:

(A) the legislative body of the county, city, or town that established the special service district, if no administrative control board has been appointed under Section 17D-1-301; or

(B) the administrative control board of the special service district, if an administrative control board has been appointed under Section 17D-1-301; and

(v) for a political subdivision not listed in Subsections (1)(d)(i) through (iv), the body that governs the affairs of the political subdivision.

(e) "Temporary replacement" means the person appointed by the political subdivision's governing body in accordance with this section to exercise the powers and duties of the office of the elected official who takes military leave.

(2) ~~[Except as provided by Subsection (8), an]~~ An elected official creates a vacancy in the elected official's office if the elected official is called to active, full-time duty in the armed forces unless the elected official takes military leave as provided by this section.

(3) ~~[Except as provided by Subsection (8), an]~~ An elected official may take military leave if the elected official submits to the political subdivision's governing body written notice of the intent to take military leave and the expected duration of the military leave, by the later

2604 of:

2605 (a) 21 days before the military leave begins; or

2606 (b) the next business day after which the elected official receives an order from the
2607 armed forces calling the elected official to active, full-time duty.

2608 (4) An elected official's military leave:

2609 (a) begins the day on which the elected official begins active, full-time duty in the
2610 armed forces; and

2611 (b) ends the sooner of:

2612 (i) the expiration of the elected official's term of office; or

2613 (ii) the day on which the elected official ends active, full-time duty in the armed forces.

2614 (5) A temporary replacement shall:

2615 (a) meet the qualifications required to hold the office; and

2616 (b) be appointed:

2617 (i) before the day on which the military leave begins; and

2618 (ii) (A) in the same manner as provided by this part for a midterm vacancy if a

2619 registered political party nominated the elected official who takes military leave as a candidate
2620 for the office; or

2621 (B) by the political subdivision's governing body after submitting an application in
2622 accordance with Subsection (7)(b) if a registered political party did not nominate the elected
2623 official who takes military leave as a candidate for office.

2624 (6) (a) A temporary replacement shall exercise the powers and duties of the office for
2625 which the temporary replacement is appointed for the duration of the elected official's military
2626 leave.

2627 (b) An elected official may not exercise the powers or duties of the office while on
2628 military leave.

2629 (c) If a temporary replacement is not appointed before the day on which the military
2630 leave begins as required by Subsection (5)(b)(i), no person may exercise the powers and duties
2631 of the elected official's office during the elected official's military leave.

2632 (7) The political subdivision's governing body shall establish:

2633 (a) the distribution of the emoluments of the office between the elected official and the
2634 temporary replacement; and

(b) an application form and the date ~~[by]~~ and time before which a person shall submit the application to be considered by the political subdivision's governing body for appointment as a temporary replacement.

~~[(8) An elected official who is called to active, full-time duty in the armed forces before March 16, 2011 is on military leave.]~~

Section 38. Section **20A-2-202** is amended to read:

20A-2-202. Registration by mail.

(1) (a) A citizen who will be qualified to vote at the next election may register by mail.

(b) To register by mail, a citizen shall complete and sign the by-mail registration form and mail or deliver it to the county clerk of the county in which the citizen resides.

(c) In order to register to vote in a particular election, the citizen shall:

(i) address the by-mail voter registration form to the county clerk; and

(ii) ensure that the by-mail voter registration form is postmarked on or before the voter registration deadline or is otherwise marked by the post office as received by the post office on or before the voter registration deadline.

(d) The citizen has effectively registered to vote under this section only when the county clerk's office has received a correctly completed by-mail voter registration form.

(2) Upon receipt of a correctly completed by-mail voter registration form, the county clerk shall, unless the individual named in the form is preregistering to vote:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) mail confirmation of registration to the newly registered voter after entering the applicant's voting precinct number on that copy.

(3) If the county clerk receives a correctly completed by-mail voter registration form that is postmarked after the voter registration deadline, and is not otherwise marked by the post office as received by the post office before the voter registration deadline, the county clerk shall:

(a) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1; or

(b) (i) unless the individual timely registers to vote in the current election in a manner that permits registration after the voter registration deadline, register the individual after the

2666 next election; and

2667 (ii) if possible, promptly mail a notice to, or otherwise notify, the individual before the
2668 election, informing the individual:

2669 (A) of each manner still available to the individual to timely register to vote in the
2670 current election; and

2671 (B) that, if the individual does not timely register in a manner described in Subsection
2672 (3)(b)(ii)(A), the individual's registration will not be effective until after the election.

2673 (4) When the county clerk receives a correctly completed by-mail voter registration
2674 form ~~[at least]~~ before 5 p.m. no later than seven days before an election that is postmarked on
2675 or before the date of the voter registration deadline, or is otherwise marked by the post office as
2676 received by the post office on or before the voter registration deadline, the county clerk shall:

2677 (a) process the by-mail voter registration form; and

2678 (b) record the new voter in the official register.

2679 (5) If the county clerk determines that a registration form received by mail or otherwise
2680 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to
2681 the person attempting to register or preregister, stating that the person has not been registered
2682 or preregistered because of an error or because the form is incomplete.

2683 Section 39. Section **20A-2-204** is amended to read:

2684 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

2685 (1) As used in this section, "voter registration form" means, when an individual named
2686 on a qualifying form, as defined in Section 20A-2-108, answers "yes" to the question described
2687 in Subsection 20A-2-108(2)(a), the information on the qualifying form that can be used for
2688 voter registration purposes.

2689 (2) A citizen who is qualified to vote may register to vote, and a citizen who is
2690 qualified to preregister to vote may preregister to vote, by answering "yes" to the question
2691 described in Subsection 20A-2-108(2)(a) and completing the voter registration form.

2692 (3) The Driver License Division shall:

2693 (a) assist an individual in completing the voter registration form unless the individual
2694 refuses assistance;

2695 (b) electronically transmit each address change to the lieutenant governor within five
2696 days after the day on which the division receives the address change; and

2697 (c) within five days after the day on which the division receives a voter registration
2698 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
2699 following for the individual named on the form:

2700 (i) the name, date of birth, driver license or state identification card number, last four
2701 digits of the social security number, Utah residential address, place of birth, and signature;

2702 (ii) a mailing address, if different from the individual's Utah residential address;

2703 (iii) an email address and phone number, if available;

2704 (iv) the desired political affiliation, if indicated; and

2705 (v) an indication of whether the individual requested that the individual's voter
2706 registration record be classified as a private record under Subsection 20A-2-108(2)(c).

2707 (4) Upon receipt of an individual's voter registration form from the Driver License
2708 Division under Subsection (3), the lieutenant governor shall:

2709 (a) enter the information into the statewide voter registration database; and

2710 (b) if the individual requests on the individual's voter registration form that the
2711 individual's voter registration record be classified as a private record, classify the individual's
2712 voter registration record as a private record.

2713 (5) The county clerk of an individual whose information is entered into the statewide
2714 voter registration database under Subsection (4) shall:

2715 (a) ensure that the individual meets the qualifications to be registered or preregistered
2716 to vote; and

2717 (b) (i) if the individual meets the qualifications to be registered to vote:

2718 (A) ensure that the individual is assigned to the proper voting precinct; and

2719 (B) send the individual the notice described in Section 20A-2-304; or

2720 (ii) if the individual meets the qualifications to be preregistered to vote, process the
2721 form in accordance with the requirements of Section 20A-2-101.1.

2722 (6) (a) When the county clerk receives a correctly completed voter registration form
2723 under this section, the clerk shall:

2724 (i) comply with the applicable provisions of this Subsection (6); or

2725 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

2726 (b) If the county clerk receives a correctly completed voter registration form under this
2727 section during the period beginning on the date after the voter registration deadline and ending

2728 at 5 p.m. on the date that is 15 calendar days before the date of an election, the county clerk
2729 shall:

2730 (i) accept the voter registration form; and

2731 (ii) unless the individual is preregistering to vote, inform the individual that the
2732 individual is registered to vote in the pending election.

2733 (c) If the county clerk receives a correctly completed voter registration form under this
2734 section during the period beginning on the date that is 14 calendar days before the election and
2735 ending at 5 p.m. on the date that is seven calendar days before the election, the county clerk
2736 shall:

2737 (i) accept the voter registration form; and

2738 (ii) unless the individual is preregistering to vote, inform the individual that:

2739 (A) the individual is registered to vote in the pending election; and

2740 (B) for the pending election, the individual must vote on the day of the election or by
2741 provisional ballot, under Section 20A-2-207, during the early voting period described in
2742 Section 20A-3-601 because the individual registered late.

2743 (d) If the county clerk receives a correctly completed voter registration form under this
2744 section during the six calendar days before an election, the county clerk shall:

2745 (i) accept the application for registration of the individual; and

2746 (ii) unless the individual is preregistering to vote, inform the individual:

2747 (A) of each manner still available to the individual to timely register to vote in the
2748 current election; and

2749 (B) that, if the individual does not timely register in a manner described in Subsection
2750 (7)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election
2751 because the individual registered late.

2752 (7) (a) If the county clerk determines that an individual's voter registration form
2753 received from the Driver License Division is incorrect because of an error, because the form is
2754 incomplete, or because the individual does not meet the qualifications to be registered to vote,
2755 the county clerk shall mail notice to the individual stating that the individual has not been
2756 registered or preregistered because of an error, because the form is incomplete, or because the
2757 individual does not meet the qualifications to be registered to vote.

2758 (b) If a county clerk believes, based upon a review of a voter registration form, that an

individual, who knows that the individual is not legally entitled to register or preregister to vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer the form to the county attorney for investigation and possible prosecution.

Section 40. Section **20A-2-205** is amended to read:

20A-2-205. Registration at voter registration agencies.

(1) As used in this section:

(a) "Discretionary voter registration agency" means the same as that term is defined in Section 20A-2-300.5.

(b) "Public assistance agency" means each office in Utah that provides:

(i) public assistance; or

(ii) state funded programs primarily engaged in providing services to people with disabilities.

(2) An individual may obtain and complete a by-mail registration form at a public assistance agency or discretionary voter registration agency.

(3) Each public assistance agency and discretionary voter registration agency shall provide, either as part of existing forms or on a separate form, the following information in substantially the following form:

"REGISTERING TO VOTE

If you are not registered to vote where you live now, would you like to apply to register or preregister to vote here today? (The decision of whether to register or preregister to vote will not affect the amount of assistance that you will be provided by this agency.) Yes____ No____

IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE

DECIDED NOT TO REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you

would like help in filling out the voter registration form, we will help you. The decision about

whether to seek or accept help is yours. You may fill out the application form in private. If

you believe that someone has interfered with your right to register or preregister or to decline to register or preregister to vote, your right to privacy in deciding whether to register or

preregister, or in applying to register or preregister to vote, or your right to choose your own

political party or other political preference, you may file a complaint with the Office of the

Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number

of the Office of the Lieutenant Governor)."

(4) Unless a person applying for service or assistance from a public assistance agency or discretionary voter registration agency declines, in writing, to register or preregister to vote, each public assistance agency and discretionary voter registration agency shall:

(a) distribute a by-mail voter registration form with each application for service or assistance provided by the agency or office;

(b) assist applicants in completing the voter registration form unless the applicant refuses assistance;

(c) accept completed forms for transmittal to the appropriate election official; and

(d) transmit a copy of each voter registration form to the appropriate election official within five days after it is received by the division.

(5) A person in a public assistance agency or a discretionary voter registration agency that helps a person complete the voter registration form may not:

(a) seek to influence an applicant's political preference or party registration;

(b) display any political preference or party allegiance;

(c) make any statement to an applicant or take any action that has the purpose or effect of discouraging the applicant from registering to vote; or

(d) make any statement to an applicant or take any action that has the purpose or effect of leading the applicant to believe that a decision of whether to register or preregister has any bearing upon the availability of services or benefits.

(6) Upon receipt of a correctly completed voter registration form, the county clerk shall, unless the individual named in the form is preregistering to vote:

(a) enter the applicant's name on the list of registered voters for the voting precinct in which the applicant resides; and

(b) notify the applicant of registration.

(7) If the county clerk receives a correctly completed voter registration form that is dated after the voter registration deadline, the county clerk shall:

(a) if the individual named in the form is preregistering to vote, comply with Section 20A-2-101.1; or

(b) (i) unless the individual timely registers to vote in the current election in a manner that permits registration after the voter registration deadline, register the individual after the next election; and

(ii) if possible, promptly phone or mail a notice to the individual before the election, informing the individual:

(A) of each manner still available to the individual to timely register to vote in the current election; and

(B) that, if the individual does not timely register in a manner described in Subsection (7)(b)(ii)(A), the individual's registration will not be effective until after the election.

(8) When the county clerk receives a correctly completed voter registration form before 5 p.m. at least seven days before an election that is dated on or before the voter registration deadline, the county clerk shall:

(a) process the voter registration form; and

(b) record the new voter in the official register.

(9) If the county clerk determines that a voter registration form received from a public assistance agency or discretionary voter registration agency is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to the individual attempting to register or preregister to vote, stating that the individual has not been registered or preregistered to vote because of an error or because the form is incomplete.

Section 41. Section **20A-2-301** is amended to read:

20A-2-301. County clerk responsibilities -- Voter registration forms.

(1) Each county clerk shall provide book voter registration forms and by-mail voter registration forms for use in the voter registration process.

(2) (a) Each county clerk shall:

(i) designate certain offices within the county to provide by-mail voter registration forms to the public; and

(ii) provide by-mail voter registration forms to each public assistance agency and discretionary voter registration agency.

(b) Each county clerk may provide copies of by-mail voter registration forms to public school districts and nonpublic schools as provided in Section 20A-2-302.

(3) Each regular general election year, the county clerk shall provide by-mail voter registration forms to the political parties in a quantity requested by the political parties, as needed.

(4) Candidates, parties, organizations, and interested persons may purchase by-mail

voter registration forms from the county clerk or from the printer.

(5) (a) The clerk shall make book voter registration forms available to interested organizations in lots of 250, to be replaced when each lot of 200 is returned to the county clerk.

(b) Interested organizations that receive book voter registration forms from the county clerk shall return ~~[them]~~ the forms to the county clerk ~~[on or]~~ before 5 p.m. on the day of the voter registration deadline.

(6) The county clerk may not refuse to register any person to vote for failing to provide a telephone number on the voter registration form.

(7) (a) It is unlawful for any person to willfully fail or refuse to deliver completed voter registration forms, obtained as provided in this section, to the county clerk.

(b) A person who violates this Subsection (7) is guilty of a class B misdemeanor.

Section 42. Section **20A-2-306** is amended to read:

20A-2-306. Removing names from the official register -- Determining and confirming change of residence.

(1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:

(a) confirms in writing that the voter has changed residence to a place outside the county; or

(b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and

(ii) has failed to respond to the notice required by Subsection (3).

(2) (a) When a county clerk obtains information that a voter's address has changed and it appears that the voter still resides within the same county, the county clerk shall:

(i) change the official register to show the voter's new address; and

(ii) send to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

(b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.

2883 (3) Each county clerk shall use substantially the following form to notify voters whose
 2884 addresses have changed:

2885 "VOTER REGISTRATION NOTICE

2886 We have been notified that your residence has changed. Please read, complete, and
 2887 return this form so that we can update our voter registration records. What is your current
 2888 street address?

2889 _____

2890 Street City County State Zip

2891 If you have not changed your residence or have moved but stayed within the same
 2892 county, you must complete and return this form to the county clerk so that it is received by the
 2893 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to
 2894 return this form within that time:

2895 - you may be required to show evidence of your address to the poll worker before being
 2896 allowed to vote in either of the next two regular general elections; or

2897 - if you fail to vote at least once from the date this notice was mailed until the passing
 2898 of two regular general elections, you will no longer be registered to vote. If you have changed
 2899 your residence and have moved to a different county in Utah, you may register to vote by
 2900 contacting the county clerk in your county.

2901 _____

2902 Signature of Voter"

2903 "The portion of your voter registration form that lists your driver license or
 2904 identification card number, social security number, email address, and the day of your month of
 2905 birth is a private record. The portion of your voter registration form that lists your month and
 2906 year of birth is a private record, the use of which is restricted to government officials,
 2907 government employees, political parties, or certain other persons.

2908 You may apply to the lieutenant governor or your county clerk to have your entire voter
 2909 registration record classified as private."

2910 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the
 2911 names of any voters from the official register during the 90 days before a regular primary
 2912 election and the 90 days before a regular general election.

2913 (b) The county clerk may remove the names of voters from the official register during

2914 the 90 days before a regular primary election and the 90 days before a regular general election
2915 if:

2916 (i) the voter requests, in writing, that the voter's name be removed; or

2917 (ii) the voter has died.

2918 (c) (i) After a county clerk mails a notice as required in this section, the county clerk
2919 may list that voter as inactive.

2920 (ii) If a county clerk receives a returned voter identification card, determines that there
2921 was no clerical error causing the card to be returned, and has no further information to contact
2922 the voter, the county clerk may list that voter as inactive.

2923 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other
2924 privileges of a registered voter.

2925 (iv) A county is not required to send routine mailings to an inactive voter and is not
2926 required to count inactive voters when dividing precincts and preparing supplies.

2927 Section 43. Section **20A-3-302** is amended to read:

2928 **20A-3-302. Conducting election by absentee ballot.**

2929 (1) (a) Notwithstanding Section 17B-1-306, an election officer may administer an
2930 election by absentee ballot under this section.

2931 (b) An election officer who administers an election by absentee ballot, except for an
2932 election conducted under Section 20A-7-609.5, shall, before the following dates, notify the
2933 lieutenant governor that the election will be administered by absentee ballot:

2934 (i) February 1 of an even-numbered year if the election is a regular general election; or

2935 (ii) May 1 of an odd-numbered year if the election is a municipal general election.

2936 (2) An election officer who administers an election by absentee ballot:

2937 (a) shall mail to each active voter within a voting precinct:

2938 (i) an absentee ballot;

2939 (ii) for an election administered by a county clerk, information regarding the location
2940 and hours of operation of any election day voting center at which the voter may vote;

2941 (iii) a courtesy reply mail envelope;

2942 (iv) instructions for returning the ballot that include an express notice about any
2943 relevant deadlines that the voter must meet in order for the voter's vote to be counted; and

2944 (v) for an election administered by an election officer other than a county clerk, if the

election officer does not operate a polling location or an election day voting center, a warning, on a separate page of colored paper in bold face print, indicating that if the voter fails to follow the instructions included with the absentee ballot, the voter will be unable to vote in that election because there will be no polling place in the voting precinct on the day of the election; and

(b) may not mail an absentee ballot under this section to:

(i) an inactive voter; or

(ii) a voter whom the election officer is prohibited from sending an absentee ballot under Subsection (8)(c)(ii).

(3) A voter who votes by absentee ballot under this section is not required to apply for an absentee ballot as required by this part.

(4) An election officer who administers an election by absentee ballot shall:

(a) (i) obtain, in person, the signatures of each voter within that voting precinct before the election; or

(ii) obtain the signature of each voter within the voting precinct from the county clerk; and

(b) maintain the signatures on file in the election officer's office.

(5) Upon receipt of a returned absentee ballot, the election officer shall review and process the ballot under Section 20A-3-308.

(6) A county that administers an election by absentee ballot:

(a) shall provide at least one election day voting center in accordance with ~~[Title 20A,]~~ Chapter 3, Part 7, Election Day Voting Center, for every 5,000 active voters in the county who will not receive an absentee ballot, but not fewer than one election day voting center;

(b) shall ensure that each election day voting center operated by the county has at least one voting device that is accessible, in accordance with the Help America Vote Act of 2002, Pub. L. No. 107-252, for individuals with disabilities;

(c) may reduce the early voting period described in Section 20A-6-301, if:

(i) the county clerk conducts early voting on at least four days;

(ii) the early voting days are within the period beginning on the date that is 14 days before the date of the election and ending on the day before the election; and

(iii) the county clerk provides notice of the reduced early voting period in accordance

2976 with Section 20A-3-604;

2977 (d) is not required to pay return postage for an absentee ballot; and

2978 (e) is subject to an audit conducted under Subsection (7).

2979 (7) (a) The lieutenant governor shall:

2980 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
2981 an election conducted under this section; and

2982 (ii) after each primary, general, or special election conducted under this section, select
2983 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
2984 developed under Subsection (7)(a)(i).

2985 (b) The lieutenant governor shall post the results of an audit conducted under this
2986 Subsection (7) on the lieutenant governor's website.

2987 (8) (a) An individual in a jurisdiction that conducts an election by absentee ballot may
2988 request that the election officer not send the individual a ballot by mail in the next and
2989 subsequent elections by submitting a written request to the election officer.

2990 (b) An individual shall submit the request described in Subsection (8)(a) to the election
2991 officer ~~[at least]~~ before 5 p.m. no later than 60 days before an election if the individual does not
2992 wish to receive an absentee ballot in that election.

2993 (c) An election officer who receives a request from an individual under Subsection
2994 (8)(a):

2995 (i) shall remove the individual's name from the list of voters who will receive an
2996 absentee ballot; and

2997 (ii) may not send the individual an absentee ballot for:

2998 (A) the next election, if the individual submits the request described in Subsection
2999 (8)(a) before the deadline described in Subsection (8)(b); or

3000 (B) an election after the election described in Subsection (8)(c)(ii)(A).

3001 (d) An individual who submits a request under Subsection (8)(a) may resume the
3002 individual's receipt of an absentee ballot in an election conducted under this section by filing an
3003 absentee ballot request under Section 20A-3-304.

3004 Section 44. Section **20A-3-304** is amended to read:

3005 **20A-3-304. Application for absentee ballot -- Time for filing and voting.**

3006 (1) (a) A registered voter who wishes to vote an absentee ballot may file an absentee

3007 ballot application:

3008 (i) on the electronic system maintained by the lieutenant governor under Section
3009 20A-2-206;

3010 (ii) with the appropriate election officer for an official absentee ballot as provided in
3011 this section; or

3012 (iii) by answering "yes" to the question described in Subsection 20A-2-108(2)(a) when
3013 registering to vote while filing a driver license or state identification card application.

3014 (b) An absentee voter may vote in person at the office of the appropriate election
3015 officer as provided in Section 20A-3-306.

3016 (c) A person that collects a completed absentee ballot application from a registered
3017 voter shall file the completed absentee ballot application with the appropriate election official
3018 before 5 p.m. no later than the earlier of:

3019 (i) 14 days after the day on which the registered voter signed the absentee ballot form;
3020 or

3021 (ii) the Tuesday before the next election.

3022 (2) As it relates to an absentee ballot application to be filled out entirely by the voter:

3023 (a) except as provided in Subsection (2)(b), the lieutenant governor or election officer
3024 shall approve an application form for absentee ballot applications:

3025 (i) in substantially the following form:

3026 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
3027 apply for an official absentee ballot to be voted by me at the election.

3028 Date _____ (month\day\year) Signed _____

3029 _____ Voter"; and

3030 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3031 status:

3032 (A) until the voter requests otherwise at a future date; or

3033 (B) until a date specified by the voter in the application form; and

3034 (b) the lieutenant governor or election officer shall approve an application form for
3035 regular primary elections and for the Western States Presidential Primary:

3036 (i) in substantially the following form:

3037 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

3038 apply for an official absentee ballot for the _____ political party to be voted by me
3039 at the primary election.

3040 I understand that I must be affiliated with or authorized to vote the political party's
3041 ballot that I request.

3042 Dated _____ (month\day\year) ____ Signed _____
3043 _____ Voter"; and

3044 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3045 status:

3046 (A) until the voter requests otherwise at a future date; or

3047 (B) until a date specified by the voter in the application form.

3048 (3) If requested by the applicant, the election officer shall:

3049 (a) mail or fax the application form to the absentee voter; or

3050 (b) deliver the application form to any voter who personally applies for [it] the form at
3051 the office of the election officer.

3052 (4) As it relates to an absentee ballot application to be filled out for, and finished and
3053 signed by, a voter:

3054 (a) except as provided in Subsection (4)(b), the lieutenant governor or election officer
3055 shall approve an application form for absentee ballot applications:

3056 (i) in substantially the following form:

3057 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah
3058 apply for an official absentee ballot to be voted by me at the election.

3059 I understand that a person that collects this absentee ballot application is required to file
3060 it with the appropriate election official before 5 p.m. no later than the earlier of fourteen days
3061 after the day on which I sign the application or the Tuesday before the next election.

3062 This form is provided by (insert name of person or organization).

3063 I have verified that the information on this application is correct.

3064 I understand that I will receive a ballot at the following address: (insert address and an
3065 adjacent check box);

3066 OR

3067 I request that the ballot be mailed to the following address: (insert blank space for an
3068 address and an adjacent check box).

3069 Date _____ (month\day\year) Signed _____

3070 Voter"; and

3071 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3072 status:

3073 (A) until the voter requests otherwise at a future date; or

3074 (B) until a date specified by the voter in the application form; and

3075 (b) the lieutenant governor or election officer shall approve an application form for
3076 regular primary elections and for the Western States Presidential Primary:

3077 (i) in substantially the following form:

3078 "I, _____, a qualified elector, residing at _____ Street, _____ City, _____ County, Utah

3079 apply for an official absentee ballot for the _____ political party to be voted by me
3080 at the primary election.

3081 I understand that I must be affiliated with or authorized to vote the political party's
3082 ballot that I request. I understand that a person that collects this absentee ballot application is
3083 required to file it with the appropriate election official before 5 p.m. no later than the earlier of
3084 fourteen days after the day on which I sign the application or the Tuesday before the next
3085 primary election.

3086 This form is provided by (insert name of person or organization).

3087 I have verified that the information on this application is correct.

3088 I understand that I will receive a ballot at the following address: (insert address and an
3089 adjacent check box);

3090 OR

3091 I request that the ballot be mailed to the following address: (insert blank space for an
3092 address and an adjacent check box).

3093 Dated _____ (month\day\year) _____ Signed _____

3094 Voter"; and

3095 (ii) that asks the voter to indicate whether the voter wishes to maintain absentee voter
3096 status:

3097 (A) until the voter requests otherwise at a future date; or

3098 (B) until a date specified by the voter in the application form.

3099 (5) The forms described in Subsections (2) and (4) shall contain instructions on how a

3100 voter may cancel an absentee ballot application.

3101 (6) Except as provided in Subsection 20A-3-306(2)(a), a voter who wishes to vote by
3102 absentee ballot shall file the application for an absentee ballot with the lieutenant governor or
3103 appropriate election officer before 5 p.m. no later than the Tuesday before election day.

3104 (7) (a) A county clerk shall establish an absentee voter list containing the name of each
3105 voter who:

3106 (i) requests absentee voter status; and
3107 (ii) meets the requirements of this section.

3108 (b) A county clerk may not remove a voter's name from the list described in Subsection
3109 (7)(a) unless:

3110 (i) the voter is no longer listed in the official register;
3111 (ii) the voter cancels the voter's absentee status;
3112 (iii) the voter's name is removed on the date specified by the voter on the absentee
3113 ballot application form; or

3114 (iv) the county clerk is required to remove the voter's name from the list under
3115 Subsection (7)(c) or 20A-3-302(8)(c)(ii).

3116 (c) A county clerk shall remove a voter's name from the list described in Subsection
3117 (7)(a) if the voter fails to vote in two consecutive regular general elections.

3118 (d) (i) Each year, the clerk shall mail a questionnaire to each voter whose name is on
3119 the absentee voter list.

3120 (ii) The questionnaire shall allow the voter to:

3121 (A) verify the voter's residence; or
3122 (B) cancel the voter's absentee status.

3123 (e) The clerk shall provide a copy of the absentee voter list to election officers for use
3124 in elections.

3125 Section 45. Section **20A-3-306** is amended to read:

3126 **20A-3-306. Voting ballot -- Returning ballot.**

3127 (1) (a) Except as provided by Section 20A-1-308, to vote a mail-in absentee ballot, the
3128 absentee voter shall:

3129 (i) complete and sign the affidavit on the envelope;
3130 (ii) mark the votes on the absentee ballot;

3131 (iii) place the voted absentee ballot in the envelope;
3132 (iv) securely seal the envelope; and
3133 (v) attach postage, unless voting in accordance with Section 20A-3-302, and deposit
3134 the envelope in the mail or deliver it in person to the election officer from whom the ballot was
3135 obtained.

3136 (b) Except as provided by Section 20A-1-308, to vote an absentee ballot in person at
3137 the office of the election officer, the absent voter shall:

3138 (i) complete and sign the affidavit on the envelope;
3139 (ii) mark the votes on the absent-voter ballot;
3140 (iii) place the voted absent-voter ballot in the envelope;
3141 (iv) securely seal the envelope; and
3142 (v) give the ballot and envelope to the election officer.

3143 (2) Except as provided by Section 20A-1-308, an absentee ballot is not valid unless:

3144 (a) in the case of an absentee ballot that is voted in person, the ballot is:

3145 (i) applied for and cast in person at the office of the appropriate election officer before
3146 5 p.m. no later than the Tuesday before election day; or

3147 (ii) submitted on election day at a polling location in the political subdivision where
3148 the absentee voter resides;

3149 (b) in the case of an absentee ballot that is submitted by mail, the ballot is:

3150 (i) clearly postmarked before election day, or otherwise clearly marked by the post
3151 office as received by the post office before election day; and

3152 (ii) received in the office of the election officer before noon on the day of the official
3153 canvass following the election; or

3154 (c) in the case of a military-overseas ballot, the ballot is submitted in accordance with
3155 Section 20A-16-404.

3156 (3) An absentee voter may submit a completed absentee ballot at a polling location in a
3157 political subdivision holding the election, if the absentee voter resides in the political
3158 subdivision.

3159 (4) An absentee voter may submit an incomplete absentee ballot at a polling location
3160 for the voting precinct where the voter resides, request that the ballot be declared spoiled, and
3161 vote in person.

Section 46. Section **20A-3-306.5** is amended to read:

20A-3-306.5. Emergency absentee ballots.

(1) As used in this section, "hospitalized voter" means a registered voter who is hospitalized or otherwise confined to a medical or long-term care institution after the deadline for filing an application for an absentee ballot established in Section 20A-3-304.

(2) Notwithstanding any other provision of this part, a hospitalized voter may obtain an absentee ballot and vote on election day by following the procedures and requirements of this section.

(3) (a) Any ~~[person]~~ individual may obtain an absentee ballot application, an absentee ballot, and an absentee ballot envelope from the election officer on behalf of a hospitalized voter by requesting a ballot and application in person at the election officer's office during business hours.

(b) The election officer shall require the ~~[person]~~ individual to sign a statement identifying ~~[himself]~~ the individual and the hospitalized voter.

(4) To vote, the hospitalized voter shall complete the absentee ballot application, complete and sign the application on the absentee ballot envelope, mark ~~[his]~~ the voter's votes on the absentee ballot, place the absentee ballot into the envelope, and seal the envelope unless a different method is authorized under Section 20A-1-308.

(5) To be counted, the absentee voter application and the sealed absentee ballot envelope must be returned to the election officer's office before the polls close on election day unless a different time is authorized under Section 20A-1-308.

Section 47. Section **20A-3-604** is amended to read:

20A-3-604. Notice of time and place of early voting.

(1) Except as provided in Section 20A-1-308 or Subsection 20A-3-603(2), the election officer shall, at least 19 days before the date of the election, ~~[give]~~ publish notice of the dates, times, and locations of early voting ~~[by]~~:

~~[(a) publishing the notice:]~~

(a) (i) in one issue of a newspaper of general circulation in the county; ~~[and]~~

~~[(ii) in accordance with Section 45-1-101; and]~~

(ii) if there is no newspaper of general circulation in the county, in addition to posting the notice described in Subsection (1)(b), by posting one notice, and at least one additional

3193 notice per 2,000 population of the county, in places within the county that are most likely to
3194 give notice to the residents in the county; or
3195 (iii) by mailing notice to each registered voter in the county;
3196 (b) by posting the notice at each early voting polling place[-];
3197 (c) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before
3198 the day of the election;
3199 (d) in accordance with Section 45-1-101, for 19 days before the date of the election;
3200 and
3201 (e) on the county's website for 19 days before the day of the election.
3202 (2) Instead of publishing all dates, times, and locations of early voting under
3203 Subsection (1), the election officer may publish a statement that specifies the following sources
3204 where a voter may view or obtain a copy of all dates, times, and locations of early voting:
3205 (a) the county's website;
3206 (b) the physical address of the county's offices; and
3207 (c) a mailing address and telephone number.
3208 ~~[(2)]~~ (3) The election officer shall include in the notice described in Subsection
3209 (1)~~[(a)]~~:
3210 (a) the address of the Statewide Electronic Voter Information Website and, if available,
3211 the address of the election officer's website, with a statement indicating that the election officer
3212 will post on the website the location of each early voting polling place, including any changes
3213 to the location of an early voting polling place and the location of additional early voting
3214 polling places; and
3215 (b) a phone number that a voter may call to obtain information regarding the location
3216 of an early voting polling place.
3217 Section 48. Section **20A-4-104** is amended to read:
3218 **20A-4-104. Counting ballots electronically.**
3219 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
3220 election officer shall test the automatic tabulating equipment to ensure that it will accurately
3221 count the votes cast for all offices and all measures.
3222 (b) The election officer shall publish public notice of the time and place of the test;
3223 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of

3224 general circulation [~~published~~] in the county, municipality, or jurisdiction where the equipment
3225 is used[.];

3226 (B) if there is no daily or weekly newspaper of general circulation in the county,
3227 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the
3228 test, by posting one notice, and at least one additional notice per 2,000 population of the
3229 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
3230 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

3231 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
3232 in the county, municipality, or jurisdiction where the equipment is used;

3233 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
3234 before the day of the test;

3235 (iii) in accordance with Section 45-1-101, for at least 10 days before the day of the test;
3236 and

3237 (iv) if the county, municipality, or jurisdiction has a website, on the website for four
3238 weeks before the day of the test.

3239 (c) The election officer shall conduct the test by processing a preaudited group of
3240 ballots.

3241 (d) The election officer shall ensure that:

3242 (i) a predetermined number of valid votes for each candidate and measure are recorded
3243 on the ballots;

3244 (ii) for each office, one or more ballot sheets have votes in excess of the number
3245 allowed by law in order to test the ability of the automatic tabulating equipment to reject those
3246 votes; and

3247 (iii) a different number of valid votes are assigned to each candidate for an office, and
3248 for and against each measure.

3249 (e) If any error is detected, the election officer shall determine the cause of the error
3250 and correct it.

3251 (f) The election officer shall ensure that:

3252 (i) the automatic tabulating equipment produces an errorless count before beginning
3253 the actual counting; and

3254 (ii) the automatic tabulating equipment passes the same test at the end of the count

3255 before the election returns are approved as official.

3256 (2) (a) The election officer or the election officer's designee shall supervise and direct
3257 all proceedings at the counting center.

3258 (b) (i) Proceedings at the counting center are public and may be observed by interested
3259 persons.

3260 (ii) Only those persons authorized to participate in the count may touch any ballot or
3261 return.

3262 (c) The election officer shall deputize and administer an oath or affirmation to all
3263 persons who are engaged in processing and counting the ballots that they will faithfully
3264 perform their assigned duties.

3265 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
3266 automatic tabulating equipment, the election officer shall ensure that two counting judges
3267 jointly:

3268 (a) create a true duplicate copy of the ballot with an identifying serial number;

3269 (b) substitute the duplicate ballot for the damaged or defective ballot;

3270 (c) label the duplicate ballot "duplicate"; and

3271 (d) record the duplicate ballot's serial number on the damaged or defective ballot.

3272 (4) The election officer may:

3273 (a) conduct an unofficial count before conducting the official count in order to provide
3274 early unofficial returns to the public;

3275 (b) release unofficial returns from time to time after the polls close; and

3276 (c) report the progress of the count for each candidate during the actual counting of
3277 ballots.

3278 (5) The election officer shall review and evaluate the provisional ballot envelopes and
3279 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

3280 (6) (a) The election officer or the election officer's designee shall:

3281 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

3282 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

3283 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
3284 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
3285 count the valid write-in vote as being the obvious intent of the voter.

(7) (a) The election officer shall certify the return printed by the automatic tabulating equipment, to which have been added write-in and absentee votes, as the official return of each voting precinct.

(b) Upon completion of the count, the election officer shall make official returns open to the public.

(8) If for any reason it becomes impracticable to count all or a part of the ballots with tabulating equipment, the election officer may direct that they be counted manually according to the procedures and requirements of this part.

(9) After the count is completed, the election officer shall seal and retain the programs, test materials, and ballots as provided in Section 20A-4-202.

Section 49. Section **20A-4-107** is amended to read:

20A-4-107. Review and disposition of provisional ballot envelopes.

(1) As used in this section, a person is "legally entitled to vote" if:

(a) the person:

(i) is registered to vote in the state;

(ii) votes the ballot for the voting precinct in which the person resides; and

(iii) provides valid voter identification to the poll worker;

(b) the person:

(i) is registered to vote in the state;

(ii) (A) provided valid voter identification to the poll worker; or

(B) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official register but the county clerk verifies the person's identity and residence through some other means; and

(iii) did not vote in the person's precinct of residence, but the ballot that the person voted was from the person's county of residence and includes one or more candidates or ballot propositions on the ballot voted in the person's precinct of residence; or

(c) the person:

(i) is registered to vote in the state;

(ii) either failed to provide valid voter identification or the documents provided as valid voter identification were inadequate and the poll worker recorded that fact in the official

3317 register; and

3318 (iii) (A) the county clerk verifies the person's identity and residence through some other
3319 means as reliable as photo identification; or

3320 (B) the person provides valid voter identification to the county clerk or an election
3321 officer who is administering the election by the close of normal office hours on Monday after
3322 the date of the election.

3323 (2) (a) Upon receipt of a provisional ballot form, the election officer shall review the
3324 affirmation on the provisional ballot form and determine if the person signing the affirmation
3325 is:

3326 (i) registered to vote in this state; and

3327 (ii) legally entitled to vote:

3328 (A) the ballot that the person voted; or

3329 (B) if the ballot is from the person's county of residence, for at least one ballot
3330 proposition or candidate on the ballot that the person voted.

3331 (b) Except as provided in Section 20A-2-207, if the election officer determines that the
3332 person is not registered to vote in this state or is not legally entitled to vote in the county or for
3333 any of the ballot propositions or candidates on the ballot that the person voted, the election
3334 officer shall retain the ballot form, uncounted, for the period specified in Section 20A-4-202
3335 unless ordered by a court to produce or count it.

3336 (c) If the election officer determines that the person is registered to vote in this state
3337 and is legally entitled to vote in the county and for at least one of the ballot propositions or
3338 candidates on the ballot that the person voted, the election officer shall place the provisional
3339 ballot with the absentee ballots to be counted with those ballots at the canvass.

3340 (d) The election officer may not count, or allow to be counted a provisional ballot
3341 unless the person's identity and residence is established by a preponderance of the evidence.

3342 (3) If the election officer determines that the person is registered to vote in this state, or
3343 if the voter registers to vote in accordance with Section 20A-2-207, the election officer shall
3344 ensure that the voter registration records are updated to reflect the information provided on the
3345 provisional ballot form.

3346 (4) Except as provided in Section 20A-2-207, if the election officer determines that the
3347 person is not registered to vote in this state and the information on the provisional ballot form

3348 is complete, the election officer shall:

3349 (a) consider the provisional ballot form a voter registration form for the person's county
3350 of residence; and

3351 (b) (i) register the person if the voter's county of residence is within the county; or

3352 (ii) forward the voter registration form to the election officer of the person's county of
3353 residence, which election officer shall register the person.

3354 (5) Notwithstanding any provision of this section, the election officer shall place a
3355 provisional ballot with the absentee ballots to be counted with those ballots at the canvass, if:

3356 (a) (i) the election officer determines, in accordance with the provisions of this section,
3357 that the sole reason a provisional ballot may not otherwise be counted is because the voter
3358 registration was filed less than seven days before the election;

3359 (ii) seven or more days before the election, the individual who cast the provisional
3360 ballot:

3361 (A) completed and signed the voter registration; and

3362 (B) provided the voter registration to another person to file;

3363 (iii) the late filing was made due to the person described in Subsection (5)(a)(ii)(B)
3364 filing the voter registration [~~less than seven days before the election~~] late; and

3365 (iv) the election officer receives the voter registration before 5 p.m. no later than one
3366 day before the day of the election; or

3367 (b) the provisional ballot is cast on or before election day and is not otherwise
3368 prohibited from being counted under the provisions of this chapter.

3369 Section 50. Section **20A-4-201** is amended to read:

3370 **20A-4-201. Delivery of election returns.**

3371 (1) [~~One poll worker~~] At least two poll workers shall deliver the ballot box, the lock,
3372 and the key to:

3373 (a) the election officer; or

3374 (b) the location directed by the election officer.

3375 (2) (a) Before they adjourn, the poll workers shall choose [~~one~~] two or more of their
3376 number to deliver the election returns to the election officer.

3377 (b) [~~That poll worker or those~~] The poll workers shall:

3378 (i) deliver the unopened envelopes or pouches to the election officer or counting center

3379 immediately but no later than 24 hours after the polls close; or

3380 (ii) if the polling place is 15 miles or more from the county seat, mail the election
3381 returns to the election officer by registered mail from the post office most convenient to the
3382 polling place within 24 hours after the polls close.

3383 (3) The election officer shall pay each poll worker reasonable compensation for travel
3384 that is necessary to deliver the election returns and to return to the polling place.

3385 (4) The requirements of this section do not prohibit transmission of the unofficial vote
3386 count to the counting center via electronic means, provided that reasonable security measures
3387 are taken to preserve the integrity and privacy of the transmission.

3388 Section 51. Section **20A-4-202** is amended to read:

3389 **20A-4-202. Election officers -- Disposition of ballots -- Release of number of**
3390 **provisional ballots cast.**

3391 (1) Upon receipt of the election returns from [~~a poll worker~~] the poll workers, the
3392 election officer shall:

3393 (a) ensure that the poll [~~worker has~~] workers have provided all of the ballots and
3394 election returns;

3395 (b) inspect the ballots and election returns to ensure that they are sealed;

3396 (c) (i) for paper ballots, deposit and lock the ballots and election returns in a safe and
3397 secure place; or

3398 (ii) for punch card ballots:

3399 (A) count the ballots; and

3400 (B) deposit and lock the ballots and election returns in a safe and secure place; and

3401 (d) for bond elections, provide a copy of the election results to the board of canvassers
3402 of the local political subdivision that called the bond election.

3403 (2) Each election officer shall:

3404 (a) [~~no later than~~] before 5 p.m. on the day after the date of the election, determine the
3405 number of provisional ballots cast within the election officer's jurisdiction and make that
3406 number available to the public;

3407 (b) preserve ballots for 22 months after the election or until the time has expired during
3408 which the ballots could be used in an election contest;

3409 (c) package and seal a true copy of the ballot label used in each voting precinct;

3410 (d) preserve all other official election returns for at least 22 months after an election;

3411 and

3412 (e) after that time, destroy them without opening or examining them.

3413 (3) (a) The election officer shall package and retain all tabulating cards and other

3414 materials used in the programming of the automatic tabulating equipment.

3415 (b) The election officer:

3416 (i) may access these tabulating cards and other materials;

3417 (ii) may make copies of these materials and make changes to the copies;

3418 (iii) may not alter or make changes to the materials themselves; and

3419 (iv) within 22 months after the election in which they were used, may dispose of those

3420 materials or retain them.

3421 (4) (a) If an election contest is begun within 12 months, the election officer shall:

3422 (i) keep the ballots and election returns unopened and unaltered until the contest is

3423 complete; or

3424 (ii) surrender the ballots and election returns to the custody of the court having

3425 jurisdiction of the contest when ordered or subpoenaed to do so by that court.

3426 (b) When all election contests arising from an election are complete, the election

3427 officer shall either:

3428 (i) retain the ballots and election returns until the time for preserving them under this

3429 section has run; or

3430 (ii) destroy the ballots and election returns remaining in the election officer's custody

3431 without opening or examining them if the time for preserving them under this section has run.

3432 Section 52. Section **20A-4-304** is amended to read:

3433 **20A-4-304. Declaration of results -- Canvassers' report.**

3434 (1) Each board of canvassers shall:

3435 (a) except as provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate Voting

3436 Methods Pilot Project, declare "elected" or "nominated" those persons who:

3437 (i) had the highest number of votes; and

3438 (ii) sought election or nomination to an office completely within the board's

3439 jurisdiction;

3440 (b) declare:

3441 (i) "approved" those ballot propositions that:
 3442 (A) had more "yes" votes than "no" votes; and
 3443 (B) were submitted only to the voters within the board's jurisdiction;
 3444 (ii) "rejected" those ballot propositions that:
 3445 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
 3446 votes; and
 3447 (B) were submitted only to the voters within the board's jurisdiction;
 3448 (c) certify the vote totals for persons and for and against ballot propositions that were
 3449 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
 3450 the lieutenant governor; and
 3451 (d) if applicable, certify the results of each local district election to the local district
 3452 clerk.
 3453 (2) ~~[(a)]~~ As soon as the result is declared, the election officer shall prepare a report of
 3454 the result, which shall contain:
 3455 ~~[(i)]~~ (a) the total number of votes cast in the board's jurisdiction;
 3456 ~~[(ii)]~~ (b) the names of each candidate whose name appeared on the ballot;
 3457 ~~[(iii)]~~ (c) the title of each ballot proposition that appeared on the ballot;
 3458 ~~[(iv)]~~ (d) each office that appeared on the ballot;
 3459 ~~[(v)]~~ (e) from each voting precinct:
 3460 ~~[(A)]~~ (i) the number of votes for each candidate;
 3461 ~~[(B)]~~ (ii) for each race conducted by instant runoff voting under ~~[Title 20A,]~~ Chapter 4,
 3462 Part 6, Municipal Alternate Voting Methods Pilot Project, the number of valid votes cast for
 3463 each candidate for each potential ballot-counting phase and the name of the candidate excluded
 3464 in each canvassing phase; and
 3465 ~~[(C)]~~ (iii) the number of votes for and against each ballot proposition;
 3466 ~~[(vi)]~~ (f) the total number of votes given in the board's jurisdiction to each candidate,
 3467 and for and against each ballot proposition;
 3468 ~~[(vii)]~~ (g) the number of ballots that were rejected; and
 3469 ~~[(viii)]~~ (h) a statement certifying that the information contained in the report is
 3470 accurate.
 3471 ~~[(b)]~~ (3) The election officer and the board of canvassers shall:

3472 ~~[(i)]~~ (a) review the report to ensure that it is correct; and
3473 ~~[(ii)]~~ (b) sign the report.
3474 ~~[(c)]~~ (4) The election officer shall:
3475 ~~[(i)]~~ (a) record or file the certified report in a book kept for that purpose;
3476 ~~[(ii)]~~ (b) prepare and transmit a certificate of nomination or election under the officer's
3477 seal to each nominated or elected candidate;
3478 ~~[(iii)]~~ (c) publish a copy of the certified report~~[:]~~ in accordance with Subsection (5);
3479 and
3480 ~~[(A) in one or more conspicuous places within the jurisdiction;]~~
3481 ~~[(B) in a conspicuous place on the county's website; and]~~
3482 ~~[(C) in a newspaper with general circulation in the board's jurisdiction; and]~~
3483 ~~[(iv)]~~ (d) file a copy of the certified report with the lieutenant governor.
3484 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
3485 days after the day on which the board of canvassers declares the election results, publish the
3486 certified report described in Subsection (2):
3487 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;
3488 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting
3489 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places
3490 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or
3491 (iii) by mailing notice to each residence within the jurisdiction;
3492 (b) on the Utah Public Notice Website created in Section 63F-1-701, for one week;
3493 (c) in accordance with Section 45-1-101, for one week; and
3494 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.
3495 (6) Instead of publishing the entire certified report under Subsection (5), the election
3496 officer may publish a statement that:
3497 (a) includes the following: "The Board of Canvassers for [indicate name of
3498 jurisdiction] has prepared a report of the election results for the [indicate type and date of
3499 election]."; and
3500 (b) specifies the following sources where an individual may view or obtain a copy of
3501 the entire certified report:
3502 (i) if the jurisdiction has a website, the jurisdiction's website;

3503 (ii) the physical address for the jurisdiction; and

3504 (iii) a mailing address and telephone number.

3505 ~~[(3)]~~ (7) When there has been a regular general or a statewide special election for
3506 statewide officers, for officers that appear on the ballot in more than one county, or for a
3507 statewide or two or more county ballot proposition, each board of canvassers shall:

3508 (a) prepare a separate report detailing the number of votes for each candidate and the
3509 number of votes for and against each ballot proposition; and

3510 (b) transmit ~~[it]~~ the separate report by registered mail to the lieutenant governor.

3511 ~~[(4)]~~ (8) In each county election, municipal election, school election, local district
3512 election, and local special election, the election officer shall transmit the reports to the
3513 lieutenant governor within 14 days after the date of the election.

3514 ~~[(5)]~~ (9) In regular primary elections and in the Western States Presidential Primary,
3515 the board shall transmit to the lieutenant governor:

3516 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
3517 governor:

3518 (i) not later than the second Tuesday after the primary election for the regular primary
3519 election; and

3520 (ii) not later than the Tuesday following the election for the Western States Presidential
3521 Primary; and

3522 (b) a complete tabulation showing voting totals for all primary races, precinct by
3523 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
3524 primary election.

3525 Section 53. Section **20A-4-401** is amended to read:

3526 **20A-4-401. Recounts -- Procedure.**

3527 (1) (a) This section does not apply to a race conducted by instant runoff voting under
3528 ~~[Title 20A,]~~ Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project.

3529 (b) Except as provided in Subsection (1)(c), for a race between candidates, if the
3530 difference between the number of votes cast for a winning candidate in the race and a losing
3531 candidate in the race is equal to or less than .25% of the total number of votes cast for all
3532 candidates in the race, that losing candidate may file a request for a recount in accordance with
3533 Subsection (1)(d).

(c) For a race between candidates where the total of all votes cast in the race is 400 or less, if the difference between the number of votes cast for a winning candidate in the race and a losing candidate in the race is one vote, that losing candidate may file a request for a recount in accordance with Subsection (1)(d).

(d) A candidate who files a request for a recount under Subsection (1) (b) or (c) shall file the request:

(i) for a municipal primary election, with the municipal clerk, before 5 p.m. within three days after the canvass; or

(ii) for all other elections, before 5 p.m. within seven days after the canvass with:

(A) the municipal clerk, if the election is a municipal general election;

(B) the local district clerk, if the election is a local district election;

(C) the county clerk, for races voted on entirely within a single county; or

(D) the lieutenant governor, for statewide races and multicounty races.

(e) The election officer shall:

(i) supervise the recount;

(ii) recount all ballots cast for that race;

(iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part 3, Absentee Voting;

(iv) for a race where only one candidate may win, declare elected the candidate who receives the highest number of votes on the recount; and

(v) for a race where multiple candidates may win, declare elected the applicable number of candidates who receive the highest number of votes on the recount.

(2) (a) Except as provided in Subsection (2)(b), for a ballot proposition or a bond proposition, if the proposition passes or fails by a margin that is equal to or less than .25% of the total votes cast for or against the proposition, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount before 5 p.m. within seven days ~~[of]~~ after the day of the canvass with the person described in Subsection (2)(c).

(b) For a ballot proposition or a bond proposition where the total of all votes cast for or against the proposition is 400 or less, if the difference between the number of votes cast for the proposition and the number of votes cast against the proposition is one vote, any 10 voters who voted in the election where the proposition was on the ballot may file a request for a recount

3565 before 5 p.m. within seven days ~~[of]~~ after the day of the canvass with the person described in
3566 Subsection (2)(c).

3567 (c) The 10 voters who file a request for a recount under Subsection (2)(a) or (b) shall
3568 file the request with:

3569 (i) the municipal clerk, if the election is a municipal election;

3570 (ii) the local district clerk, if the election is a local district election;

3571 (iii) the county clerk, for propositions voted on entirely within a single county; or

3572 (iv) the lieutenant governor, for statewide propositions and multicounty propositions.

3573 (d) The election officer shall:

3574 (i) supervise the recount;

3575 (ii) recount all ballots cast for that ballot proposition or bond proposition;

3576 (iii) reexamine all unopened absentee ballots to ensure compliance with Chapter 3, Part
3577 3, Absentee Voting; and

3578 (iv) declare the ballot proposition or bond proposition to have "passed" or "failed"
3579 based upon the results of the recount.

3580 (e) Proponents and opponents of the ballot proposition or bond proposition may
3581 designate representatives to witness the recount.

3582 (f) The voters requesting the recount shall pay the costs of the recount.

3583 (3) Costs incurred by recount under Subsection (1) may not be assessed against the
3584 person requesting the recount.

3585 (4) (a) Upon completion of the recount, the election officer shall immediately convene
3586 the board of canvassers.

3587 (b) The board of canvassers shall:

3588 (i) canvass the election returns for the race or proposition that was the subject of the
3589 recount; and

3590 (ii) with the assistance of the election officer, prepare and sign the report required by
3591 Section 20A-4-304 or ~~[Section]~~ 20A-4-306.

3592 (c) If the recount is for a statewide or multicounty race or for a statewide proposition,
3593 the board of county canvassers shall prepare and transmit a separate report to the lieutenant
3594 governor as required by Subsection 20A-4-304~~[(3)]~~ (7).

3595 (d) The canvassers' report prepared as provided in this Subsection (4) is the official

result of the race or proposition that is the subject of the recount.

Section 54. Section **20A-5-101** is amended to read:

20A-5-101. Notice of election.

(1) On or before November 15 in the year before each regular general election year, the lieutenant governor shall prepare and transmit a written notice to each county clerk that:

(a) designates the offices to be filled at the next year's regular general election;

(b) identifies the dates for filing a declaration of candidacy, and for submitting and certifying nomination petition signatures, as applicable, under Sections 20A-9-403, 20A-9-407, and 20A-9-408 for those offices; and

(c) contains a description of any ballot propositions to be decided by the voters that have qualified for the ballot as of that date.

(2) ~~[(a)]~~ No later than seven business days after the day on which the lieutenant governor transmits the written notice described in Subsection (1), each county clerk shall publish notice, in accordance with Subsection (3):

~~[(i) publish a notice:]~~

~~[(A) once in a newspaper published in that county, and]~~

~~[(B) as required in Section 45-1-101; or]~~

~~[(ii) (A) cause a copy of the notice to be posted]~~

(a) (i) in a conspicuous place most likely to give notice of the election to the voters in each voting precinct within the county; and

~~[(B)]~~ (ii) prepare an affidavit of [that] the posting, showing a copy of the notice and the places where the notice was posted[-];

(b) (i) in a newspaper of general circulation in the county;

(ii) if there is no newspaper of general circulation within the county, in addition to the notice described in Subsection (2)(a), by posting one notice, and at least one additional notice per 2,000 population of the county, in places within the county that are most likely to give notice of the election to the voters in the county; or

(iii) by mailing notice to each registered voter in the county;

(c) on the Utah Public Notice Website created in Section 63F-1-701, for seven days before the day of the election;

(d) in accordance with Section 45-1-101, for seven days before the day of the election;

3627 and

3628 (e) on the county's website for seven days before the day of the election.

3629 ~~[(b)]~~ (3) The notice ~~[required by]~~ described in Subsection (2)~~[(a)]~~ shall:

3630 (i) designate the offices to be voted on in that election; and

3631 (ii) identify the dates for filing a declaration of candidacy for those offices.

3632 ~~[(3) Before]~~ (4) Except as provided in Subsection (6), before each election, the

3633 election officer shall give printed notice of the following information~~[, or printed notice of a~~

3634 ~~website where the following information can be obtained]~~:

3635 (a) the date of election;

3636 (b) the hours during which the polls will be open;

3637 (c) the polling places for each voting precinct, early voting polling place, and election

3638 day voting center;

3639 (d) the address of the Statewide Electronic Voter Information Website and, if available,

3640 the address of the election officer's website, with a statement indicating that the election officer

3641 will post on the website any changes to the location of a polling place and the location of any

3642 additional polling place;

3643 (e) a phone number that a voter may call to obtain information regarding the location of

3644 a polling place; and

3645 (f) the qualifications for persons to vote in the election.

3646 ~~[(4)]~~ (5) To provide the printed notice described in Subsection ~~[(3)]~~ (4), the election

3647 officer shall publish the notice:

3648 ~~[(a) publish the notice at least two days before election day.]~~

3649 (a) (i) in a newspaper of general circulation ~~[common to the area]~~ in the jurisdiction to

3650 which the election pertains at least two days before the day of the election; [and]

3651 ~~[(ii) as required in Section 45-1-101; or]~~

3652 (ii) if there is no newspaper of general circulation in the jurisdiction to which the

3653 election pertains, at least two days before the day of the election, by posting one notice, and at

3654 least one additional notice per 2,000 population of the jurisdiction, in places within the

3655 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

3656 ~~[(b) mail]~~ (iii) by mailing the notice to each registered voter who resides in the [area]

3657 jurisdiction to which the election pertains at least five days before ~~[election day:]~~ the day of the

3658 election;

3659 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two days
3660 before the day of the election;

3661 (c) in accordance with Section 45-1-101, for two days before the day of the election;
3662 and

3663 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before
3664 the day of the election.

3665 (6) Instead of including the information described in Subsection (4) in the notice, the
3666 election officer may give printed notice that:

3667 (a) is entitled "Notice of Election";

3668 (b) includes the following: "A [indicate election type] will be held in [indicate the
3669 jurisdiction] on [indicate date of election]. Information relating to the election, including
3670 polling places, polling place hours, and qualifications of voters may be obtained from the
3671 following sources:"; and

3672 (c) specifies the following sources where an individual may view or obtain the
3673 information described in Subsection (4):

3674 (i) if the jurisdiction has a website, the jurisdiction's website;

3675 (ii) the physical address of the jurisdiction offices; and

3676 (iii) a mailing address and telephone number.

3677 Section 55. Section **20A-5-405** is amended to read:

3678 **20A-5-405. Election officer to provide ballots.**

3679 (1) In jurisdictions using paper ballots, each election officer shall:

3680 (a) provide printed official paper ballots and absentee ballots for every election of
3681 public officers in which the voters, or any of the voters, within the election officer's jurisdiction
3682 participate;

3683 (b) cause the name of every candidate whose nomination has been certified to or filed
3684 with the election officer in the manner provided by law to be printed on each official paper
3685 ballot and absentee ballot;

3686 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
3687 be printed on each official paper ballot and absentee ballot;

3688 (d) ensure that the official paper ballots are printed and in the possession of the election

3689 officer before commencement of voting;

3690 (e) ensure that the absentee ballots are printed and in the possession of the election
3691 officer with sufficient time before commencement of voting;

3692 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3693 be printed on each official paper ballot and absentee ballot;

3694 (g) allow candidates and their agents and the sponsors of ballot propositions that have
3695 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

3696 (h) cause sample ballots to be printed that are in the same form as official paper ballots
3697 and that contain the same information as official paper ballots but that are printed on different
3698 colored paper than official paper ballots;

3699 (i) ensure that the sample ballots are printed and in the possession of the election
3700 officer at least seven days before commencement of voting;

3701 (j) make the sample ballots available for public inspection by:

3702 (i) posting a copy of the sample ballot in ~~[his]~~ the election officer's office at least seven
3703 days before commencement of voting;

3704 (ii) mailing a copy of the sample ballot to:

3705 (A) each candidate listed on the ballot; and

3706 (B) the lieutenant governor; ~~[and]~~

3707 (iii) publishing a copy of the sample ballot ~~[immediately before the election]~~:

3708 (A) ~~[in at least one]~~ except as provided in Subsection (5), at least seven days before the
3709 day of the election in a newspaper of general circulation in the jurisdiction holding the election;
3710 ~~[and]~~

3711 ~~[(B) as required in Section 45-1-101;]~~

3712 (B) if there is no newspaper of general circulation in the jurisdiction holding the
3713 election, at least seven days before the day of the election, by posting one copy of the sample
3714 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3715 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3716 the jurisdiction; or

3717 (C) at least 10 days before the day of the election, by mailing a copy of the sample
3718 ballot to each registered voter who resides in the jurisdiction holding the election;

3719 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created

3720 in Section 63F-1-701, for seven days before the day of the election;

3721 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
3722 least seven days before the day of the election; and

3723 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
3724 seven days before the day of the election;

3725 (k) deliver at least five copies of the sample ballot to poll workers for each polling
3726 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3727 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
3728 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
3729 demands of the qualified voters in each voting precinct.

3730 (2) In jurisdictions using a punch card ballot, each election officer shall:

3731 (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot
3732 labels for every election of public officers in which the voters, or any of the voters, within the
3733 election officer's jurisdiction participate;

3734 (b) cause the name of every candidate who filed with the election officer in the manner
3735 provided by law or whose nomination has been certified to the election officer to be printed on
3736 each official ballot label;

3737 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
3738 be printed on each official ballot label;

3739 (d) ensure that the official ballot labels are printed and in the possession of the election
3740 officer before the commencement of voting;

3741 (e) ensure that the absentee ballots are printed and in the possession of the election
3742 officer with sufficient time before commencement of voting;

3743 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3744 be printed on each official ballot label and absentee ballot;

3745 (g) allow candidates and their agents and the sponsors of ballot propositions that have
3746 qualified for the official sample ballot to inspect the official sample ballot;

3747 (h) cause sample ballots to be printed that contain the same information as official
3748 ballot labels but that are distinguishable from official ballot labels;

3749 (i) ensure that the sample ballots are printed and in the possession of the election
3750 officer at least seven days before commencement of voting;

3751 (j) make the sample ballots available for public inspection by:
3752 (i) posting a copy of the sample ballot in his office at least seven days before
3753 commencement of voting;
3754 (ii) mailing a copy of the sample ballot to:
3755 (A) each candidate listed on the ballot; and
3756 (B) the lieutenant governor; ~~[and]~~
3757 (iii) publishing a copy of the sample ballot ~~[immediately before the election]~~:
3758 (A) ~~[in at least one]~~ except as provided in Subsection (5), at least seven days before the
3759 day of the election in a newspaper of general circulation in the jurisdiction holding the election;
3760 ~~[and]~~
3761 ~~[(B) as required in Section 45-1-101;]~~
3762 (B) if there is no newspaper of general circulation in the jurisdiction holding the
3763 election, at least seven days before the day of the election, by posting one copy of the sample
3764 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3765 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3766 the jurisdiction; or
3767 (C) at least 10 days before the day of the election, by mailing a copy of the sample
3768 ballot to each registered voter who resides in the jurisdiction holding the election;
3769 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
3770 in Section 63F-1-701, for seven days before the day of the election;
3771 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
3772 least seven days before the day of the election; and
3773 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
3774 seven days before the day of the election;
3775 (k) deliver at least five copies of the sample ballot to poll workers for each polling
3776 place and direct them to post the sample ballots as required by Section 20A-5-102; and
3777 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and
3778 instruction cards at the expense of the jurisdiction conducting the election.
3779 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer
3780 shall:
3781 (a) provide official ballot sheets and absentee ballot sheets for every election of public

3782 officers in which the voters, or any of the voters, within the election officer's jurisdiction
3783 participate;

3784 (b) cause the name of every candidate who filed with the election officer in the manner
3785 provided by law or whose nomination has been certified to or filed with the election officer to
3786 be printed on each official ballot and absentee ballot;

3787 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
3788 be printed on each official ballot and absentee ballot;

3789 (d) ensure that the official ballots are printed and in the possession of the election
3790 officer before commencement of voting;

3791 (e) ensure that the absentee ballots are printed and in the possession of the election
3792 officer with sufficient time before commencement of voting;

3793 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3794 be printed on each official ballot and absentee ballot;

3795 (g) allow candidates and their agents and the sponsors of ballot propositions that have
3796 qualified for the official sample ballot to inspect the official sample ballot;

3797 (h) cause sample ballots to be printed that contain the same information as official
3798 ballots but that are distinguishable from the official ballots;

3799 (i) ensure that the sample ballots are printed and in the possession of the election
3800 officer at least seven days before commencement of voting;

3801 (j) make the sample ballots available for public inspection by:

3802 (i) posting a copy of the sample ballot in the election officer's office at least seven days
3803 before commencement of voting;

3804 (ii) mailing a copy of the sample ballot to:

3805 (A) each candidate listed on the ballot; and

3806 (B) the lieutenant governor; ~~and~~

3807 (iii) publishing a copy of the sample ballot ~~[immediately before the election]~~:

3808 (A) ~~[in at least one]~~ except as provided in Subsection (5), at least seven days before the
3809 day of the election in a newspaper of general circulation in the jurisdiction holding the election;
3810 ~~[and]~~

3811 ~~[(B) as required in Section 45-1-101;]~~

3812 (B) if there is no newspaper of general circulation in the jurisdiction holding the

3813 election, at least seven days before the day of the election, by posting one copy of the sample
3814 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
3815 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
3816 the jurisdiction; or

3817 (C) at least 10 days before the day of the election, by mailing a copy of the sample
3818 ballot to each registered voter who resides in the jurisdiction holding the election;

3819 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
3820 in Section 63F-1-701, for seven days before the day of the election;

3821 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
3822 least seven days before the day of the election; and

3823 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
3824 seven days before the day of the election;

3825 (k) deliver at least five copies of the sample ballot to poll workers for each polling
3826 place and direct them to post the sample ballots as required by Section 20A-5-102; and

3827 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
3828 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
3829 demands of the qualified voters in each voting precinct.

3830 (4) In jurisdictions using electronic ballots, each election officer shall:

3831 (a) provide official ballots for every election of public officers in which the voters, or
3832 any of the voters, within the election officer's jurisdiction participate;

3833 (b) cause the name of every candidate who filed with the election officer in the manner
3834 provided by law or whose nomination has been certified to the election officer to be displayed
3835 on each official ballot;

3836 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
3837 be displayed on each official ballot;

3838 (d) ensure that the official ballots are prepared and in the possession of the election
3839 officer before commencement of voting;

3840 (e) ensure that the absentee ballots are prepared and in the possession of the election
3841 officer with sufficient time before commencement of voting;

3842 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
3843 be printed on each official ballot and absentee ballot;

(g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;

(h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from official ballots;

(i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;

(j) make the sample ballots available for public inspection by:

(i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;

(ii) mailing a copy of the sample ballot to:

(A) each candidate listed on the ballot; and

(B) the lieutenant governor; ~~[and]~~

(iii) publishing a copy of the sample ballot immediately before the election:

(A) ~~[in at least one]~~ except as provided in Subsection (5), at least seven days before the day of the election in a newspaper of general circulation in the jurisdiction holding the election;
~~[and]~~

~~[(B) as required in Section 45-1-101;]~~

(B) if there is no newspaper of general circulation in the jurisdiction holding the election, at least seven days before the day of the election, by posting one copy of the sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in the jurisdiction; or

(C) at least 10 days before the day of the election, by mailing a copy of the sample ballot to each registered voter who resides in the jurisdiction holding the election;

(iv) publishing a copy of the sample ballot on the Utah Public Notice Website created in Section 63F-1-701, for seven days before the day of the election;

(v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at least seven days before the day of the election; and

(vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least seven days before the day of the election;

(k) deliver at least five copies of the sample ballot to poll workers for each polling

place and direct them to post the sample ballots as required by Section 20A-5-102; and

(l) prepare and deliver official ballots, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.

(5) Instead of publishing the entire sample ballot under Subsection (1)(j)(iii)(A), (2)(j)(iii)(A), (3)(j)(iii)(A), or (4)(j)(iii)(A), the election officer may publish a statement that:

(a) is entitled, "sample ballot";

(b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the upcoming [indicate type and date of election] may be obtained from the following sources:";

and

(c) specifies the following sources where an individual may view or obtain a copy of the sample ballot:

(i) if the jurisdiction has a website, the jurisdiction's website;

(ii) the physical address of the jurisdiction's offices; and

(iii) a mailing address and telephone number.

~~(5)~~ (6) (a) Each election officer shall, without delay, correct any error discovered in any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the correction can be made without interfering with the timely distribution of the paper ballots, ballot labels, ballot sheets, or electronic ballots.

(b) (i) If the election officer discovers an error or omission in a paper ballot, ballot label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets before they are distributed at the polls.

(ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.

(c) (i) If the election officer refuses or fails to correct an error or omission in the paper ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may file a verified petition with the district court asserting that:

(A) an error or omission has occurred in:

- 3906 (I) the publication of the name or description of a candidate;
3907 (II) the preparation or display of an electronic ballot; or
3908 (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;
3909 and
3910 (B) the election officer has failed to correct or provide for the correction of the error or
3911 omission.
- 3912 (ii) The district court shall issue an order requiring correction of any error in a paper
3913 ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error
3914 should not be corrected if it appears to the court that the error or omission has occurred and the
3915 election officer has failed to correct it or failed to provide for its correction.
- 3916 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
3917 Supreme Court within five days after the decision of the district court.
- 3918 Section 56. Section **20A-5-604** is amended to read:
3919 **20A-5-604. Receipt of ballots by poll workers.**
- 3920 (1) The poll [~~worker who receives~~] workers who receive official or substitute ballots
3921 from the election officer shall:
3922 (a) sign a receipt for [~~them~~] the ballots and file [~~it~~] the receipt with the election officer;
3923 and
3924 (b) produce the packages in the proper polling place with the seals unbroken.
- 3925 (2) If the poll [~~worker receives~~] workers receive packages of substitute ballots
3926 accompanied by a written and sworn statement of the election officer that the ballots are
3927 substitute ballots because the original ballots were not received, were destroyed, or were stolen,
3928 the poll worker shall produce the packages of substitute ballots in the proper polling place with
3929 the seals unbroken.
- 3930 Section 57. Section **20A-5-605** is amended to read:
3931 **20A-5-605. Duties of poll workers.**
- 3932 (1) Poll workers shall:
3933 (a) arrive at the polling place at a time determined by the election officer; and
3934 (b) remain until the official election returns are prepared for delivery.
- 3935 (2) The election officer may designate:
3936 (a) certain poll workers to act as election judges;

3937 (b) an election judge to act as the presiding election judge; and
3938 (c) certain poll workers to act as clerks.

3939 (3) Upon their arrival to open the polls, the poll workers shall:

3940 (a) if the election officer has not designated which poll workers at a polling place are
3941 assigned to act as election judges, as presiding election judge, or as clerks:

3942 (i) designate two poll workers to act as election judges as necessary;
3943 (ii) determine which election judge shall preside as necessary; and
3944 (iii) determine which poll workers shall act as clerks as necessary;

3945 (b) select [~~one~~] two or more of their number to deliver the election returns to the
3946 election officer or to the place that the election officer designates;

3947 (c) display the United States flag;

3948 (d) examine the voting devices to see that they are in proper working order and that
3949 security devices have not been tampered with;

3950 (e) place the voting devices, voting booths, and the ballot box in plain view of those
3951 poll workers and watchers that are present;

3952 (f) for paper ballots and ballot sheets, open the ballot packages in the presence of all
3953 the poll workers;

3954 (g) check the ballots, supplies, records, and forms;

3955 (h) if directed to do so by the election officer:

3956 (i) make any necessary corrections to the official ballots before they are distributed at
3957 the polls; and

3958 (ii) post any necessary notice of errors in electronic ballots before voting commences;

3959 (i) post the sample ballots, instructions to voters, and constitutional amendments, if
3960 any; and

3961 (j) open the ballot box in the presence of those assembled, turn it upside down to empty
3962 it of anything, and then, immediately before polls open, lock it, or if locks and keys are not
3963 available, tape it securely.

3964 (4) (a) If any poll worker fails to appear on the morning of the election, or fails or
3965 refuses to act:

3966 (i) at least six qualified electors from the voting precinct who are present at the polling
3967 place at the hour designated by law for the opening of the polls shall fill the vacancy by

3968 appointing another qualified person from the voting precinct who is a member of the same
3969 political party as the poll worker who is being replaced to act as a poll worker; or

3970 (ii) the election officer shall appoint a qualified person to act as a poll worker.

3971 (b) If a majority of the poll workers are present, they shall open the polls, even though
3972 a poll worker has not arrived.

3973 (5) (a) If it is impossible or inconvenient to hold an election at the polling place
3974 designated, the poll workers, after having assembled at or as near as practicable to the
3975 designated place, and before receiving any vote, may move to the nearest convenient place for
3976 holding the election.

3977 (b) If the poll workers move to a new polling place, they shall display a proclamation
3978 of the change and station a peace officer or some other proper person at the original polling
3979 place to notify voters of the location of the new polling place.

3980 (6) If the poll [~~worker who received~~] workers who receive delivery of the ballots
3981 [~~produces~~] produce packages of substitute ballots accompanied by a written and sworn
3982 statement of the election officer that the ballots are substitute ballots because the original
3983 ballots were not received, were destroyed, or were stolen, the poll workers shall use those
3984 substitute ballots as the official election ballots.

3985 (7) If, for any reason, none of the official or substitute ballots are ready for distribution
3986 at a polling place or, if the supply of ballots is exhausted before the polls are closed, the poll
3987 workers may use unofficial ballots, made as nearly as possible in the form of the official ballot,
3988 until substitutes prepared by the election officer are printed and delivered.

3989 (8) When it is time to open the polls, one of the poll workers shall announce that the
3990 polls are open as required by Section 20A-1-302, or in the case of early voting, Section
3991 20A-3-602.

3992 (9) (a) The poll workers shall comply with the voting procedures and requirements of
3993 [~~Title 20A,~~] Chapter 3, Voting, in allowing people to vote.

3994 (b) The poll workers may not allow any person, other than election officials and those
3995 admitted to vote, within six feet of voting devices, voting booths, and the ballot box.

3996 (c) Besides the poll workers and watchers, the poll workers may not allow more than
3997 four voters in excess of the number of voting booths provided within six feet of voting devices,
3998 voting booths, and the ballot box.

(d) If necessary, the poll workers shall instruct each voter about how to operate the voting device before the voter enters the voting booth.

(e) (i) If the voter requests additional instructions after entering the voting booth, two poll workers may, if necessary, enter the booth and give the voter additional instructions.

(ii) In regular general elections and regular primary elections, the two poll workers who enter the voting booth to assist the voter shall be of different political parties.

Section 58. Section **20A-6-106** is amended to read:

20A-6-106. Deadline for submission of ballot titles.

Unless otherwise specifically provided for by statute, the certified ballot title of each ballot proposition, ballot question, or ballot issue shall be submitted to the election officer before 5 p.m. no later than 65 days before the date of the election at which the matter will be submitted to the voters.

Section 59. Section **20A-6-302** is amended to read:

20A-6-302. Paper ballots -- Placement of candidates' names.

(1) Each election officer shall ensure, for paper ballots in regular general elections, that:

(a) each candidate is listed by party, if nominated by a registered political party under Subsection 20A-9-202(4) or Subsection 20A-9-403(5);

(b) candidates' surnames are listed in alphabetical order on the ballots when two or more candidates' names are required to be listed on a ticket under the title of an office; and

(c) the names of candidates are placed on the ballot in the order specified under Section 20A-6-305.

(2) (a) When there is only one candidate for county attorney at the regular general election in counties that have three or fewer registered voters of the county who are licensed active members in good standing of the Utah State Bar, the county clerk shall cause that candidate's name and party affiliation, if any, to be placed on a separate section of the ballot with the following question: "Shall (name of candidate) be elected to the office of county attorney? Yes ____ No ____."

(b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is elected to the office of county attorney.

(c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not

4030 elected and may not take office, nor may the candidate continue in the office past the end of the
4031 term resulting from any prior election or appointment.

4032 (d) When the name of only one candidate for county attorney is printed on the ballot
4033 under authority of this Subsection (2), the county clerk may not count any write-in votes
4034 received for the office of county attorney.

4035 (e) If no qualified person files for the office of county attorney or if the candidate is not
4036 elected by the voters, the county legislative body shall appoint the county attorney as provided
4037 in Section 20A-1-509.2.

4038 (f) If the candidate whose name would, except for this Subsection (2)(f), be placed on
4039 the ballot under Subsection (2)(a) has been elected on a ballot under Subsection (2)(a) to the
4040 two consecutive terms immediately preceding the term for which the candidate is seeking
4041 election, Subsection (2)(a) does not apply and that candidate shall be considered to be an
4042 unopposed candidate the same as any other unopposed candidate for another office, unless a
4043 petition is filed with the county clerk before ~~[the date of]~~ 5 p.m. no later than one day before
4044 that year's primary election that:

4045 (i) requests the procedure set forth in Subsection (2)(a) to be followed; and

4046 (ii) contains the signatures of registered voters in the county representing in number at
4047 least 25% of all votes cast in the county for all candidates for governor at the last election at
4048 which a governor was elected.

4049 (3) (a) When there is only one candidate for district attorney at the regular general
4050 election in a prosecution district that has three or fewer registered voters of the district who are
4051 licensed active members in good standing of the Utah State Bar, the county clerk shall cause
4052 that candidate's name and party affiliation, if any, to be placed on a separate section of the
4053 ballot with the following question: "Shall (name of candidate) be elected to the office of district
4054 attorney? Yes ____ No ____."

4055 (b) If the number of "Yes" votes exceeds the number of "No" votes, the candidate is
4056 elected to the office of district attorney.

4057 (c) If the number of "No" votes exceeds the number of "Yes" votes, the candidate is not
4058 elected and may not take office, nor may the candidate continue in the office past the end of the
4059 term resulting from any prior election or appointment.

4060 (d) When the name of only one candidate for district attorney is printed on the ballot

under authority of this Subsection (3), the county clerk may not count any write-in votes received for the office of district attorney.

(e) If no qualified person files for the office of district attorney, or if the only candidate is not elected by the voters under this subsection, the county legislative body shall appoint a new district attorney for a four-year term as provided in Section 20A-1-509.2.

(f) If the candidate whose name would, except for this Subsection (3)(f), be placed on the ballot under Subsection (3)(a) has been elected on a ballot under Subsection (3)(a) to the two consecutive terms immediately preceding the term for which the candidate is seeking election, Subsection (3)(a) does not apply and that candidate shall be considered to be an unopposed candidate the same as any other unopposed candidate for another office, unless a petition is filed with the county clerk before ~~[the date of]~~ 5 p.m. no later than one day before that year's primary election that:

(i) requests the procedure set forth in Subsection (3)(a) to be followed; and

(ii) contains the signatures of registered voters in the county representing in number at least 25% of all votes cast in the county for all candidates for governor at the last election at which a governor was elected.

Section 60. Section **20A-7-202.5** is amended to read:

20A-7-202.5. Initial fiscal impact estimate -- Preparation of estimate -- Challenge to estimate.

(1) Within three working days ~~[of receipt of]~~ after the day on which the lieutenant governor receives an application for an initiative petition, the lieutenant governor shall submit a copy of the application to the Governor's Office of Management and Budget.

(2) (a) The Governor's Office of Management and Budget shall prepare an unbiased, good faith estimate of the fiscal impact of the law proposed by the initiative that contains:

(i) a dollar amount representing the total estimated fiscal impact of the proposed law;

(ii) if the proposed law would increase or decrease taxes, a dollar amount representing the total estimated increase or decrease for each type of tax affected under the proposed law and a dollar amount representing the total estimated increase or decrease in taxes under the proposed law;

(iii) if the proposed law would increase taxes, the tax percentage difference and the tax percentage increase;

(iv) if the proposed law would result in the issuance or a change in the status of bonds, notes, or other debt instruments, a dollar amount representing the total estimated increase or decrease in public debt under the proposed law;

(v) a listing of all sources of funding for the estimated costs associated with the proposed law showing each source of funding and the percentage of total funding provided from each source;

(vi) a dollar amount representing the estimated costs or savings, if any, to state and local government entities under the proposed law; and

(vii) a concise explanation, not exceeding 100 words, of the above information and of the estimated fiscal impact, if any, under the proposed law.

(b) (i) If the proposed law is estimated to have no fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact statement in substantially the following form:

"The Governor's Office of Management and Budget estimates that the law proposed by this initiative would have no significant fiscal impact and would not result in either an increase or decrease in taxes or debt."

(ii) If the proposed law is estimated to have a fiscal impact, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"The Governor's Office of Management and Budget estimates that the law proposed by this initiative would result in a total fiscal expense/savings of \$_____, which includes a (type of tax or taxes) tax increase/decrease of \$_____ and a \$_____ increase/decrease in state debt."

(iii) If the estimated fiscal impact of the proposed law is highly variable or is otherwise difficult to reasonably express in a summary statement, the Governor's Office of Management and Budget may include in the summary statement a brief explanation that identifies those factors affecting the variability or difficulty of the estimate.

(iv) If the proposed law imposes a tax increase, the Governor's Office of Management and Budget shall include a summary statement in the initial fiscal impact estimate in substantially the following form:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert

4123 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
4124 percent increase in the current tax rate."

4125 (3) The Governor's Office of Management and Budget shall prepare an unbiased, good
4126 faith estimate of the cost of printing and distributing information related to the initiative
4127 petition in:

4128 (a) the voter information pamphlet as required by ~~[Title 20A,]~~ Chapter 7, Part 7, Voter
4129 Information Pamphlet; or

4130 (b) the newspaper, as required by Section 20A-7-702.

4131 (4) Within 25 calendar days ~~[from the date that]~~ after the day on which the lieutenant
4132 governor delivers a copy of the application, the Governor's Office of Management and Budget
4133 shall:

4134 (a) deliver a copy of the initial fiscal impact estimate to the lieutenant governor's
4135 office; and

4136 (b) mail a copy of the initial fiscal impact estimate to the first five sponsors named in
4137 the initiative application.

4138 (5) (a) (i) Three or more of the sponsors of the petition may, within 20 calendar days
4139 ~~[of the date of delivery of]~~ after the day on which the Governor's Office of Management and
4140 Budget delivers the initial fiscal impact estimate to the lieutenant governor's office, file a
4141 petition with the Supreme Court, alleging that the initial fiscal impact estimate, taken as a
4142 whole, is an inaccurate estimate of the fiscal impact of the initiative.

4143 (ii) After receipt of the appeal, the Supreme Court shall direct the lieutenant governor
4144 to send notice of the petition to:

4145 (A) any person or group that has filed an argument with the lieutenant governor's office
4146 for or against the measure that is the subject of the challenge; and

4147 (B) any political issues committee established under Section 20A-11-801 that has filed
4148 written or electronic notice with the lieutenant governor that identifies the name, mailing or
4149 email address, and telephone number of the person designated to receive notice about any
4150 issues relating to the initiative.

4151 (b) (i) There is a presumption that the initial fiscal impact estimate prepared by the
4152 Governor's Office of Management and Budget is based upon reasonable assumptions, uses
4153 reasonable data, and applies accepted analytical methods to present the estimated fiscal impact

4154 of the initiative.

4155 (ii) The Supreme Court may not revise the contents of, or direct the revision of, the
4156 initial fiscal impact estimate unless the plaintiffs rebut the presumption by clear and convincing
4157 evidence that establishes that the initial fiscal estimate, taken as a whole, is an inaccurate
4158 statement of the estimated fiscal impact of the initiative.

4159 (iii) The Supreme Court may refer an issue related to the initial fiscal impact estimate
4160 to a master to examine the issue and make a report in accordance with Utah Rules of Civil
4161 Procedure, Rule 53.

4162 (c) The Supreme Court shall certify to the lieutenant governor a fiscal impact estimate
4163 for the measure that meets the requirements of this section.

4164 Section 61. Section **20A-7-204.1** is amended to read:

4165 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**
4166 **Changes to an initiative and initial fiscal impact estimate.**

4167 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of
4168 Management and Budget and before circulating initiative petitions for signature statewide,
4169 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
4170 follows:

4171 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

4172 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
4173 County;

4174 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

4175 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
4176 County;

4177 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

4178 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

4179 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
4180 County.

4181 (b) Of the seven meetings, at least two of the meetings shall be held in a first or second
4182 class county, but not in the same county.

4183 (2) ~~[At least three calendar days before the date of the public hearing, the]~~ The
4184 sponsors shall:

(a) before 5 p.m. at least three calendar days before the date of the public hearing,
provide written notice of the public hearing to:

(i) the lieutenant governor for posting on the state's website; and

(ii) each state senator, state representative, and county commission or county council member who is elected in whole or in part from the region where the public hearing will be held; and

(b) publish written notice of the public hearing ~~[detailing its]~~, including the time, date, and location of the public hearing, in each county in the region where the public hearing will be held:

~~[(i) in at least one newspaper of general circulation in each county in the region where the public hearing will be held; and]~~

(i) (A) at least three calendar days before the day of the public hearing, in a newspaper of general circulation in the county;

(B) if there is no newspaper of general circulation in the county, at least three calendar days before the day of the public hearing, by posting one copy of the notice, and at least one additional copy of the notice per 2,000 population of the county, in places within the county that are most likely to give notice to the residents of the county; or

(C) at least seven days before the day of the public hearing, by mailing notice to each residence in the county;

(ii) on the Utah Public Notice Website created in Section 63F-1-701[-], for at least three calendar days before the day of the public hearing;

(iii) in accordance with Section 45-1-101, for at least three calendar days before the day of the public hearing; and

(iv) on the county's website for at least three calendar days before the day of the public hearing.

(3) If the initiative petition proposes a tax increase, the written notice described in Subsection (2) shall include the following statement, in bold, in the same font and point size as the largest font and point size appearing in the notice:

"This initiative petition seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(4) (a) During the public hearing, the sponsors shall either:

(i) video tape or audio tape the public hearing and, when the hearing is complete, deposit the complete audio or video tape of the meeting with the lieutenant governor; or

(ii) take comprehensive minutes of the public hearing, detailing the names and titles of each speaker and summarizing each speaker's comments.

(b) The lieutenant governor shall make copies of the tapes or minutes available to the public.

(5) (a) ~~Within~~ Before 5 p.m. within 14 days after ~~conducting~~ the day of the seventh public hearing required by Subsection (1)(a) and before circulating an initiative petition for signatures, the sponsors of the initiative petition may change the text of the proposed law if:

(i) a change to the text is:

(A) germane to the text of the proposed law filed with the lieutenant governor under Section 20A-7-202; and

(B) consistent with the requirements of Subsection 20A-7-202(5); and

(ii) each sponsor signs, attested to by a notary public, an application addendum to change the text of the proposed law.

(b) (i) Within three working days of receipt of an application addendum to change the text of the proposed law in an initiative petition, the lieutenant governor shall submit a copy of the application addendum to the Governor's Office of Management and Budget.

(ii) The Governor's Office of Management and Budget shall update the initial fiscal impact estimate by following the procedures and requirements of Section 20A-7-202.5 to reflect a change to the text of the proposed law.

Section 62. Section **20A-7-205** is amended to read:

20A-7-205. Obtaining signatures -- Verification -- Removal of signature.

(1) A Utah voter may sign an initiative petition if the voter is a legal voter.

(2) (a) The sponsors shall ensure that the person in whose presence each signature sheet was signed:

(i) is at least 18 years old and meets the residency requirements of Section 20A-2-105; and

(ii) verifies each signature sheet by completing the verification printed on the last page of each initiative packet.

(b) A person may not sign the verification printed on the last page of the initiative packet if the person signed a signature sheet in the initiative packet.

(3) (a) A voter who has signed an initiative petition may have the voter's signature removed from the petition by submitting to the county clerk a statement requesting that the voter's signature be removed.

(b) The statement shall include:

(i) the name of the voter;

(ii) the resident address at which the voter is registered to vote;

(iii) the last four digits of the voter's Social Security number;

(iv) the driver license or identification card number; and

(v) the signature of the voter.

(c) A voter may not submit a statement by email or other electronic means.

(d) In order for the signature to be removed, the statement must be received by the county clerk before ~~[May 15]~~ 5 p.m. no later than May 14.

(e) The county clerk shall deliver all statements received under this Subsection (3):

(i) with the initiative petition packets delivered to the lieutenant governor; or

(ii) in a supplemental delivery to the lieutenant governor for a statement submitted after the county clerk delivered the initiative packets.

(f) A person may only remove a signature from an initiative petition in accordance with this Subsection (3).

Section 63. Section **20A-7-206** is amended to read:

20A-7-206. Submitting the initiative petition -- Certification of signatures by the county clerks -- Transfer to lieutenant governor.

(1) (a) In order to qualify an initiative petition for placement on the regular general election ballot, the sponsors shall deliver each signed and verified initiative packet to the county clerk of the county in which the packet was circulated ~~[on or before]~~ before 5 p.m. no later than the sooner of:

(i) 316 days after the day on which the application is filed; or

(ii) the April 15 immediately before the next regular general election immediately after the application is filed under Section 20A-7-202.

(b) A sponsor may not submit an initiative packet after the deadline established in this

4278 Subsection (1).

4279 (2) (a) No later than May 1 before the regular general election, the county clerk shall:

4280 (i) check the names of all persons completing the verification for the initiative packet
4281 to determine whether those persons are residents of Utah and are at least 18 years old; and

4282 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4283 at least 18 years old to the attorney general and county attorney.

4284 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
4285 packet that is not verified in accordance with Section 20A-7-205.

4286 (3) No later than May 15 before the regular general election, the county clerk shall:

4287 (a) determine whether each signer is a registered voter according to the requirements of
4288 Section 20A-7-206.3;

4289 (b) certify on the petition whether each name is that of a registered voter; and

4290 (c) deliver all of the verified initiative packets to the lieutenant governor.

4291 (4) Upon receipt of an initiative packet under Subsection (3) and any statement
4292 submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the
4293 initiative petition a voter's signature if the voter has requested the removal in accordance with
4294 Subsection 20A-7-205(3).

4295 (5) In order to qualify an initiative petition for submission to the Legislature, the
4296 sponsors shall deliver each signed and verified initiative packet to the county clerk of the
4297 county in which the packet was circulated ~~[by]~~ before 5 p.m. no later than the November 15
4298 before the next annual general session of the Legislature immediately after the application is
4299 filed under Section 20A-7-202.

4300 (6) (a) No later than December 1 before the annual general session of the Legislature,
4301 the county clerk shall:

4302 (i) check the names of all persons completing the verification for the initiative packet
4303 to determine whether those persons are Utah residents and are at least 18 years old; and

4304 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4305 at least 18 years old to the attorney general and county attorney.

4306 (b) The county clerk may not certify a signature under Subsection (7) on an initiative
4307 packet that is not verified in accordance with Section 20A-7-205.

4308 (7) No later than December 15 before the annual general session of the Legislature, the

4309 county clerk shall:

4310 (a) determine whether each signer is a registered voter according to the requirements of
4311 Section 20A-7-206.3;

4312 (b) certify on the petition whether each name is that of a registered voter; and

4313 (c) deliver all of the verified initiative packets to the lieutenant governor.

4314 (8) The sponsor or their representatives may not retrieve initiative packets from the
4315 county clerks once they have submitted them.

4316 Section 64. Section **20A-7-302** is amended to read:

4317 **20A-7-302. Referendum process -- Application procedures.**

4318 (1) Persons wishing to circulate a referendum petition shall file an application with the
4319 lieutenant governor before 5 p.m. within five calendar days after the end of the legislative
4320 session at which the law passed.

4321 (2) The application shall contain:

4322 (a) the name and residence address of at least five sponsors of the referendum petition;

4323 (b) a certification indicating that each of the sponsors:

4324 (i) is a voter; and

4325 (ii) has voted in a regular general election in Utah within the last three years;

4326 (c) the signature of each of the sponsors, attested to by a notary public; and

4327 (d) a copy of the law.

4328 Section 65. Section **20A-7-305** is amended to read:

4329 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

4330 (1) A Utah voter may sign a referendum petition if the voter is a legal voter.

4331 (2) (a) The sponsors shall ensure that the person in whose presence each signature
4332 sheet was signed:

4333 (i) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

4334 and

4335 (ii) verifies each signature sheet by completing the verification printed on the last page
4336 of each referendum packet.

4337 (b) A person may not sign the verification printed on the last page of the referendum
4338 packet if the person signed a signature sheet in the referendum packet.

4339 (3) (a) [(†)] A voter who has signed a referendum petition may have the voter's

4340 signature removed from the petition by submitting to the county clerk a statement requesting
4341 that the voter's signature be removed.

4342 (b) The statement shall include:

4343 (i) the name of the voter;

4344 (ii) the resident address at which the voter is registered to vote;

4345 (iii) the last four digits of the voter's Social Security number;

4346 (iv) the driver license or identification card number; and

4347 (v) the signature of the voter.

4348 (c) A voter may not submit a statement by email or other electronic means.

4349 (d) In order for the signature to be removed, the statement must be received by the
4350 county clerk before ~~[the day which is 55 days after the end of the]~~ 5 p.m. no later than 55 days
4351 after the day on which the legislative session at which the law passed ends.

4352 (e) The county clerk shall deliver all statements received under this Subsection (3):

4353 (i) with the referendum petition packets to the lieutenant governor; or

4354 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
4355 after the county clerk delivered the referendum petition packets.

4356 (f) A person may only remove a signature from a referendum petition in accordance
4357 with this Subsection (3).

4358 Section 66. Section **20A-7-306** is amended to read:

4359 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
4360 **the county clerks -- Transfer to lieutenant governor.**

4361 (1) (a) ~~[No]~~ Before 5 p.m. no later than 40 days after the ~~[end of]~~ day on which the
4362 legislative session at which the law passed ends, the sponsors shall deliver each signed and
4363 verified referendum packet to the county clerk of the county in which the packet was
4364 circulated.

4365 (b) A sponsor may not submit a referendum packet after the deadline established in this
4366 Subsection (1).

4367 (2) (a) No later than 55 days after the end of the legislative session at which the law
4368 passed, the county clerk shall:

4369 (i) check the names of all persons completing the verification on the last page of each
4370 referendum packet to determine whether or not those persons are Utah residents and are at least

4371 18 years old; and

4372 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4373 at least 18 years old to the attorney general and county attorney.

4374 (b) The county clerk may not certify a signature under Subsection (3) on a referendum
4375 packet that is not verified in accordance with Section 20A-7-305.

4376 (3) No later than 55 days after the end of the legislative session at which the law
4377 passed, the county clerk shall:

4378 (a) determine whether each signer is a registered voter according to the requirements of
4379 Section 20A-7-306.3;

4380 (b) certify on the referendum petition whether each name is that of a registered voter;
4381 and

4382 (c) deliver all of the verified referendum packets to the lieutenant governor.

4383 (4) Upon receipt of a referendum packet under Subsection (3) and any statement
4384 submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the
4385 referendum petition a voter's signature if the voter has requested the removal in accordance
4386 with Subsection 20A-7-305(3).

4387 Section 67. Section **20A-7-402** is amended to read:

4388 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**
4389 **Preparation -- Statement on front cover.**

4390 (1) The county or municipality that is subject to a ballot proposition shall prepare a
4391 local voter information pamphlet that complies with the requirements of this part.

4392 (2) The arguments for or against a ballot proposition shall conform to the requirements
4393 of this section.

4394 (3) (a) Within the time requirements described in Subsection (3)(c)(i), a municipality
4395 that is subject to a ballot proposition shall provide a notice that complies with the requirements
4396 of Subsection (3)(c)(ii) to the municipality's residents by:

4397 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
4398 municipality's residents, including the notice with a newsletter, utility bill, or other material;

4399 (ii) posting the notice, until after the deadline described in Subsection (3)(d) has
4400 passed, on:

4401 (A) the Utah Public Notice Website created in Section 63F-1-701; and

4402 (B) the home page of the municipality's website, if the municipality has a website; and
4403 (iii) sending the notice electronically to each individual in the municipality for whom
4404 the municipality has an email address.

4405 (b) A county that is subject to a ballot proposition shall:

4406 (i) send an electronic notice that complies with the requirements of Subsection
4407 (3)(c)(ii) to each individual in the county for whom the county has an email address; or
4408 (ii) until after the deadline described in Subsection (3)(d) has passed, post a notice that
4409 complies with the requirements of Subsection (3)(c)(ii) on:

4410 (A) the Utah Public Notice Website created in Section 63F-1-701; and
4411 (B) the home page of the county's website.

4412 (c) A municipality or county that mails, sends, or posts a notice under Subsection (3)(a)
4413 or (b) shall:

4414 (i) mail, send, or post the notice:

4415 (A) not less than 90 days before the date of the election at which a ballot proposition
4416 will be voted upon; or
4417 (B) if the requirements of Subsection (3)(c)(i)(A) cannot be met, as soon as practicable
4418 after the ballot proposition is approved to be voted upon in an election; and

4419 (ii) ensure that the notice contains:

4420 (A) the ballot title for the ballot proposition;
4421 (B) instructions on how to file a request under Subsection (3)(d); and
4422 (C) the deadline described in Subsection (3)(d).

4423 (d) To prepare an argument for or against a ballot proposition, an eligible voter shall
4424 file a request with the election officer ~~[at least 65]~~ before 5 p.m. no later than 55 days before
4425 the day of the election at which the ballot proposition is to be voted on.

4426 (e) If more than one eligible voter requests the opportunity to prepare an argument for
4427 or against a ballot proposition, the election officer shall make the final designation according to
4428 the following criteria:

4429 (i) sponsors have priority in preparing an argument regarding a ballot proposition; and
4430 (ii) members of the local legislative body have priority over others.

4431 (f) The election officer shall grant a request described in Subsection (3)(d) or (e) no
4432 later than 67 days before the day of the election at which the ballot proposition is to be voted

4433 on.

4434 ~~[(f)]~~ (g) (i) Except as provided in Subsection (3)~~[(g)]~~(h), a sponsor of a ballot
4435 proposition may prepare an argument in favor of the ballot proposition.

4436 (ii) Except as provided in Subsection (3)~~[(g)]~~(h), and subject to Subsection (3)(e), an
4437 eligible voter opposed to the ballot proposition who submits a request under Subsection (3)(d)
4438 may prepare an argument against the ballot proposition.

4439 ~~[(g)]~~ (h) (i) For a referendum, subject to Subsection (3)(e), an eligible voter who is in
4440 favor of a law that is referred to the voters and who submits a request under Subsection (3)(d)
4441 may prepare an argument for adoption of the law.

4442 (ii) The sponsors of a referendum may prepare an argument against the adoption of a
4443 law that is referred to the voters.

4444 ~~[(h)]~~ (i) An eligible voter who submits an argument under this section shall:

4445 (i) ensure that the argument does not exceed 500 words in length, not counting the
4446 information described in Subsection (3)(i)(ii) or (iv);

4447 (ii) ~~[ensure that the argument does not]~~ list, at the end of the argument, at least one, but
4448 no more than five, names as sponsors;

4449 (iii) submit the argument to the election officer before 5 p.m. no later than 60 days
4450 before the election day on which the ballot proposition will be submitted to the voters; ~~[and]~~

4451 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
4452 residential address; and

4453 ~~[(iv)]~~ (v) ~~[include]~~ submit with the argument the eligible voter's name, residential
4454 address, postal address, email address if available, and phone number.

4455 ~~[(i)]~~ (j) An election officer shall refuse to accept and publish an argument ~~[that is]~~
4456 submitted after the deadline described in Subsection (3)~~[(h)]~~(i)(iii).

4457 (4) (a) An election officer who timely receives the arguments in favor of and against a
4458 ballot proposition shall, within one business day after the day on which the election office
4459 receives both arguments, send, via mail or email:

4460 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
4461 submitted the argument against the ballot proposition; and

4462 (ii) a copy of the argument against the ballot proposition to the eligible voter who
4463 submitted the argument in favor of the ballot proposition.

(b) The eligible voter who submitted a timely argument in favor of the ballot proposition:

(i) may submit to the election officer a rebuttal argument of the argument against the ballot proposition;

(ii) shall ensure that the rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (3)(i)(ii) or (iv); and

(iii) shall submit the rebuttal argument before 5 p.m. no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.

(c) The eligible voter who submitted a timely argument against the ballot proposition:

(i) may submit to the election officer a rebuttal argument of the argument in favor of the ballot proposition;

(ii) shall ensure that the rebuttal argument does not exceed 250 words in length, not counting the information described in Subsection (3)(i)(ii) or (iv); and

(iii) shall submit the rebuttal argument before 5 p.m. no later than 45 days before the election day on which the ballot proposition will be submitted to the voters.

(d) An election officer shall refuse to accept and publish a rebuttal argument that is submitted after the deadline described in Subsection (4)(b)(iii) or (4)(c)(iii).

(5) (a) Except as provided in Subsection (5)(b):

(i) an eligible voter may not modify an argument or rebuttal argument after the eligible voter submits the argument or rebuttal argument to the election officer; and

(ii) a person other than the eligible voter described in Subsection (5)(a)(i) may not modify an argument or rebuttal argument.

(b) The election officer, and the eligible voter who submits an argument or rebuttal argument, may jointly agree to modify an argument or rebuttal argument in order to:

(i) correct factual, grammatical, or spelling errors; and

(ii) reduce the number of words to come into compliance with the requirements of this section.

(c) An election officer shall refuse to accept and publish an argument or rebuttal argument if the eligible voter who submits the argument or rebuttal argument fails to negotiate, in good faith, to modify the argument or rebuttal argument in accordance with Subsection (5)(b).

(6) An election officer may designate another eligible voter to take the place of an eligible voter described in this section if the original eligible voter is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the duties of an eligible voter described in this section.

(7) (a) The local voter information pamphlet shall include a copy of the initial fiscal impact estimate prepared for each initiative under Section 20A-7-502.5.

(b) If the initiative proposes a tax increase, the local voter information pamphlet shall include the following statement in bold type:

"This initiative seeks to increase the current (insert name of tax) rate by (insert the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent increase in the current tax rate."

(8) (a) In preparing the local voter information pamphlet, the election officer shall:

(i) ensure that the arguments are printed on the same sheet of paper upon which the ballot proposition is also printed;

(ii) ensure that the following statement is printed on the front cover or the heading of the first page of the printed arguments:

"The arguments for or against a ballot proposition are the opinions of the authors.";

(iii) pay for the printing and binding of the local voter information pamphlet; and

(iv) not less than 15 days before, but not more than 45 days before, the election at which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered voter entitled to vote on the ballot proposition:

(A) a voter information pamphlet; or

(B) the notice described in Subsection (8)(c).

(b) (i) If the proposed measure exceeds 500 words in length, the election officer may summarize the measure in 500 words or less.

(ii) The summary shall state where a complete copy of the ballot proposition is available for public review.

(c) (i) The election officer may distribute a notice printed on a postage prepaid, preaddressed return form that a person may use to request delivery of a voter information pamphlet by mail.

(ii) The notice described in Subsection (8)(c)(i) shall include:

4526 (A) the address of the Statewide Electronic Voter Information Website authorized by
4527 Section 20A-7-801; and

4528 (B) the phone number a voter may call to request delivery of a voter information
4529 pamphlet by mail or carrier.

4530 Section 68. Section **20A-7-506** is amended to read:

4531 **20A-7-506. Submitting the initiative petition -- Certification of signatures by the**
4532 **county clerks -- Transfer to local clerk.**

4533 (1) (a) The sponsors shall deliver each signed and verified initiative packet to the
4534 county clerk of the county in which the packet was circulated [~~on or~~] before [~~the sooner~~] 5 p.m.
4535 the earlier of:

4536 (i) for county initiatives:

4537 (A) 316 days after the day on which the application is filed; or

4538 (B) the April 15 immediately before the next regular general election immediately after
4539 the application is filed under Section 20A-7-502; or

4540 (ii) for municipal initiatives:

4541 (A) 316 days after the day on which the application is filed; or

4542 (B) the April 15 immediately before the next municipal general election immediately
4543 after the application is filed under Section 20A-7-502.

4544 (b) A sponsor may not submit an initiative packet after the deadline established in this
4545 Subsection (1).

4546 (2) (a) No later than May 1, the county clerk shall:

4547 (i) check the names of all persons completing the verification on the last page of each
4548 initiative packet to determine whether those persons are residents of Utah and are at least 18
4549 years old; and

4550 (ii) submit the name of each of those persons who is not a Utah resident or who is not
4551 at least 18 years old to the attorney general and county attorney.

4552 (b) The county clerk may not certify a signature under Subsection (3) on an initiative
4553 packet that is not verified in accordance with Section 20A-7-505.

4554 (3) No later than May 15, the county clerk shall:

4555 (a) determine whether or not each signer is a voter according to the requirements of
4556 Section 20A-7-506.3;

(b) certify on the petition whether or not each name is that of a voter; and

(c) deliver all of the verified packets to the local clerk.

Section 69. Section **20A-7-601** is amended to read:

20A-7-601. Referenda -- General signature requirements -- Signature requirements for land use laws and subjurisdictional laws -- Time requirements.

(1) Except as provided in Subsection (2) or (3), a person seeking to have a local law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(a) 10% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes exceeds 25,000;

(b) 12-1/2% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(c) 15% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(d) 20% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;

(e) 25% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 500 but is more than 250; and

(f) 30% of all the votes cast in the county, city, or town for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 250.

(2) (a) As used in this Subsection (2), "land use law" includes a land use development code, an annexation ordinance, and comprehensive zoning ordinances.

(b) Except as provided in Subsection (3), a person seeking to have a land use law or local obligation law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures equal to:

(i) in a county or in a city of the first or second class, 20% of all votes cast in the county or city for all candidates for president of the United States at the last election at which a president of the United States was elected; and

(ii) in a city of the third, fourth, or fifth class or a town, 35% of all the votes cast in the city or town for all candidates for president of the United States at the last election at which a president of the United States was elected.

(3) (a) As used in this Subsection (3):

(i) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the jurisdiction of a county, city, or town that are subject to a subjurisdictional law.

(ii) "Subjurisdictional law" means a local law or local obligation law passed by a local legislative body that imposes a tax or other payment obligation on property in an area that does not include all precincts and subprecincts under the jurisdiction of the county, city, or town.

(b) A person seeking to have a subjurisdictional law passed by the local legislative body submitted to a vote of the people shall obtain legal signatures of the residents in the subjurisdiction equal to:

(i) 10% of the total votes cast in the subjurisdiction for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes exceeds 25,000;

(ii) 12-1/2% of all the votes cast in the subjurisdiction for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 25,000 but is more than 10,000;

(iii) 15% of all the votes cast in the subjurisdiction for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 10,000 but is more than 2,500;

(iv) 20% of all the votes cast in the subjurisdiction for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 2,500 but is more than 500;

(v) 25% of all the votes cast in the subjurisdiction for all candidates for president of the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 500 but is more than 250; and

(vi) 30% of all the votes cast in the subjurisdiction for all candidates for president of

the United States at the last election at which a president of the United States was elected if the total number of votes does not exceed 250.

(4) (a) Sponsors of any referendum petition challenging, under Subsection (1), (2), or (3) any local law passed by a local legislative body shall file the application before 5 p.m. within five days after the ~~[passage of]~~ day on which the local law passed.

(b) Except as provided in Subsection (4)(c), when a referendum petition has been declared sufficient, the local law that is the subject of the petition does not take effect unless and until the local law is approved by a vote of the people.

(c) When a referendum petition challenging a subjurisdictional law has been declared sufficient, the subjurisdictional law that is the subject of the petition does not take effect unless and until the subjurisdictional law is approved by a vote of the people who reside in the subjurisdiction.

(5) If the referendum passes, the local law that was challenged by the referendum is repealed as of the date of the election.

(6) Nothing in this section authorizes a local legislative body to impose a tax or other payment obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.

Section 70. Section **20A-7-606** is amended to read:

20A-7-606. Submitting the referendum petition -- Certification of signatures by the county clerks -- Transfer to local clerk.

(1) (a) The sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than 45 days after the day on which the sponsors receive the items described in Subsection 20A-7-604(2) from the local clerk.

(b) A sponsor may not submit a referendum packet after the deadline established in this Subsection (1).

(2) (a) No later than 15 days after the day on which a county clerk receives a referendum packet under Subsection (1)(a), the county clerk shall:

(i) check the names of all persons completing the verification on the last page of each referendum packet to determine whether those persons are Utah residents and are at least 18 years old; and

(ii) submit the name of each of those persons who is not a Utah resident or who is not at least 18 years old to the attorney general and county attorney.

(b) The county clerk may not certify a signature under Subsection (3) on a referendum packet that is not verified in accordance with Section 20A-7-605.

(3) No later than 30 days after the day on which a county clerk receives a referendum packet under Subsection (1)(a), the county clerk shall:

(a) determine whether each signer is a registered voter according to the requirements of Section 20A-7-606.3;

(b) certify on the referendum petition whether each name is that of a registered voter; and

(c) deliver all of the verified referendum packets to the local clerk.

Section 71. Section **20A-7-613** is amended to read:

20A-7-613. Property tax referendum petition.

(1) As used in this section, "certified tax rate" means the same as that term is defined in Section 59-2-924.

(2) Except as provided in this section, the requirements of this part apply to a referendum petition challenging a taxing entity's legislative body's vote to impose a tax rate that exceeds the certified tax rate.

(3) Notwithstanding Subsection 20A-7-604(5), the local clerk shall number each of the referendum packets and return them to the sponsors within two working days.

(4) Notwithstanding Subsection 20A-7-606(1), the sponsors shall deliver each signed and verified referendum packet to the county clerk of the county in which the packet was circulated before 5 p.m. no later than 40 days after the day on which the local clerk complies with Subsection (3).

(5) Notwithstanding Subsections 20A-7-606(2) and (3), the county clerk shall take the actions required in Subsections 20A-7-606(2) and (3) within 10 working days after the day on which the county clerk receives the signed and verified referendum packet as described in Subsection (4).

(6) The local clerk shall take the actions required by Section 20A-7-607 within two working days after the day on which the local clerk receives the referendum packets from the county clerk.

(7) Notwithstanding Subsection 20A-7-608(2), the local attorney shall prepare the ballot title within two working days after the day on which the referendum petition is declared sufficient for submission to a vote of the people.

(8) Notwithstanding Subsection 20A-7-609(2)(c), a referendum that qualifies for the ballot under this section shall appear on the ballot for the earlier of the next regular general election or the next municipal general election unless a special election is called.

(9) Notwithstanding the requirements related to absentee ballots under this title:

(a) the election officer shall prepare absentee ballots for those voters who have requested an absentee ballot as soon as possible after the ballot title is prepared as described in Subsection (7); and

(b) the election officer shall mail absentee ballots on a referendum under this section the later of:

(i) the time provided in Section 20A-3-305 or 20A-16-403; or

(ii) the time that absentee ballots are prepared for mailing under this section.

(10) Section 20A-7-402 does not apply to a referendum described in this section.

(11) (a) If a majority of voters does not vote against imposing the tax at a rate calculated to generate the increased revenue budgeted, adopted, and approved by the taxing entity's legislative body:

(i) the certified tax rate for the fiscal year during which the referendum petition is filed is its most recent certified tax rate; and

(ii) the proposed increased revenues for purposes of establishing the certified tax rate for the fiscal year after the fiscal year described in Subsection (11)(a)(i) are the proposed increased revenues budgeted, adopted, and approved by the taxing entity's legislative body before the filing of the referendum petition.

(b) If a majority of voters votes against imposing a tax at the rate established by the vote of the taxing entity's legislative body, the certified tax rate for the taxing entity is the taxing entity's most recent certified tax rate.

(c) If the tax rate is set in accordance with Subsection (11)(a)(ii), a taxing entity is not required to comply with the notice and public hearing requirements of Section 59-2-919 if the taxing entity complies with those notice and public hearing requirements before the referendum petition is filed.

(12) The ballot title shall, at a minimum, include in substantially this form the following: "Shall the [name of the taxing entity] be authorized to levy a tax rate in the amount sufficient to generate an increased property tax revenue of [amount] for fiscal year [year] as budgeted, adopted, and approved by the [name of the taxing entity]".

(13) A taxing entity shall pay the county the costs incurred by the county that are directly related to meeting the requirements of this section and that the county would not have incurred but for compliance with this section.

(14) (a) An election officer shall include on a ballot a referendum that has not yet qualified for placement on the ballot, if:

(i) sponsors file an application for a referendum described in this section;

(ii) the ballot will be used for the election for which the sponsors are attempting to qualify the referendum; and

(iii) the deadline for qualifying the referendum for placement on the ballot occurs after the day on which the ballot will be printed.

(b) If an election officer includes on a ballot a referendum described in Subsection (14)(a), the ballot title shall comply with Subsection (12).

(c) If an election officer includes on a ballot a referendum described in Subsection (14)(a) that does not qualify for placement on the ballot, the election officer shall inform the voters by any practicable method that the referendum has not qualified for the ballot and that votes cast in relation to the referendum will not be counted.

Section 72. Section **20A-7-704** is amended to read:

20A-7-704. Initiative measures -- Arguments for and against -- Voters' requests for argument -- Ballot arguments.

(1) (a) ~~[(i)-(A) By July 10]~~ Before 5 p.m. no later than July 1 of the regular general election year, ~~[the sponsors]~~ a sponsor of any initiative petition that has been declared sufficient by the lieutenant governor may deliver to the lieutenant governor ~~[an]~~ a written notice that the sponsor intends to submit a written argument for ~~[the]~~ adoption of the measure.

~~[(B)]~~ (b) If two or more sponsors ~~[wish to submit arguments for the measure]~~ timely submit a notice described in Subsection (1)(a), the lieutenant governor shall designate one of the sponsors to submit the argument for the sponsor's side of the measure.

~~[(ii)-(A) Any member of the Legislature may request permission to submit an argument~~

4743 ~~against the adoption of the measure.]~~

4744 (2) (a) Before 5 p.m. no later than July 1 of the regular general election year, a member
4745 of the Legislature may deliver to the speaker of the House and the president of the Senate a
4746 written notice that the legislator intends to submit a written argument against adoption of an
4747 initiative petition that has been declared sufficient by the lieutenant governor.

4748 ~~[(B)]~~ (b) If two or more legislators [wish to submit an argument against the measure,
4749 the presiding officers of the Senate and House of Representatives shall] timely submit a notice
4750 described in Subsection (2)(a), the speaker of the House and the president of the Senate shall,
4751 no later than July 5, jointly designate one of the legislators to submit the argument to the
4752 lieutenant governor.

4753 ~~[(b)]~~ (3) The sponsors and the legislators submitting arguments shall ensure that each
4754 argument:

4755 ~~[(i)]~~ (a) does not exceed 500 words in length, not counting the information described in
4756 Subsection (5); and

4757 ~~[(ii)]~~ (b) is delivered [by] to the lieutenant governor before 5 p.m. no later than July 10.

4758 ~~[(2)]~~ (4) (a) If an argument for or against a measure to be submitted to the voters by
4759 initiative petition has not been filed within the time required under Subsection [(1)] (3)(b):

4760 (i) the Office of the Lieutenant Governor shall immediately:

4761 (A) send an electronic notice that complies with the requirements of Subsection [(2)]
4762 (4)(b) to each individual in the state for whom the Office of the Lieutenant Governor has an
4763 email address; or

4764 (B) post a notice that complies with the requirements of Subsection [(2)] (4)(b) on the
4765 home page of the lieutenant governor's website;

4766 (ii) any voter may [request the lieutenant governor for permission to prepare an], before
4767 5 p.m. no later than July 15, deliver written notice to the lieutenant governor that the voter
4768 intends to submit a written argument for the side on which no argument has been filed; and

4769 (iii) if two or more voters [request permission to submit arguments on] timely submit
4770 the notice described in Subsection (4)(a)(ii) in relation to the same side of a measure, the
4771 lieutenant governor shall designate one of the voters to write the argument.

4772 (b) A notice described in Subsection [(2)] (4)(a)(i) shall contain:

4773 (i) the ballot title for the measure;

- (ii) instructions on how to submit a request under Subsection ~~[(2)]~~ (4)(a)(ii); and
- (iii) the ~~[deadline]~~ deadlines described in ~~[Subsection (2)]~~ Subsections (4)(a)(ii) and (4)(c).

(c) Any argument prepared under this Subsection ~~[(2)]~~ (4) shall be submitted to the lieutenant governor ~~[by]~~ before 5 p.m. no later than July 20.

~~[(3)]~~ (5) The lieutenant governor may not accept a ballot argument submitted under this section unless ~~[it is accompanied by]~~ the argument lists:

(a) the name and address of the ~~[person submitting it, if it]~~ individual submitting the argument, if the argument is submitted by an individual voter; or

(b) the name and address of the organization and the names and addresses of at least two of ~~[its]~~ the organization's principal officers, if ~~[it]~~ the argument is submitted on behalf of an organization.

~~[(4)]~~ (6) (a) Except as provided in Subsection ~~[(4)]~~ (6)(c), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.

(b) Except as provided in Subsection ~~[(4)]~~ (6)(c), the lieutenant governor may not alter the arguments in any way.

(c) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:

(i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and

(ii) the argument has not yet been submitted for typesetting.

Section 73. Section **20A-7-705** is amended to read:

20A-7-705. Measures to be submitted to voters and referendum measures --

Preparation of argument of adoption.

(1) (a) Whenever the Legislature submits any measure to the voters or whenever an act of the Legislature is referred to the voters by referendum petition, the presiding officer of the house of origin of the measure shall appoint the sponsor of the measure or act and one member of either house who voted with the majority to pass the act or submit the measure to draft an argument for the adoption of the measure.

(b) (i) The argument may not exceed 500 words in length, not counting the information described in Subsection (4)(e).

(ii) If the sponsor of the measure or act desires separate arguments to be written in favor by each person appointed, separate arguments may be written but the combined length of the two arguments may not exceed 500 words, not counting the information described in Subsection (4)(e).

(2) (a) If a measure or act submitted to the voters by the Legislature or by referendum petition was not adopted unanimously by the Legislature, the presiding officer of each house shall, at the same time as appointments to an argument in its favor are made, appoint one member who voted against the measure or act from their house to write an argument against the measure or act.

(b) (i) The argument may not exceed 500 words, not counting the information described in Subsection (4)(e).

(ii) If those members appointed to write an argument against the measure or act desire separate arguments to be written in opposition to the measure or act by each person appointed, separate arguments may be written, but the combined length of the two arguments may not exceed 500 words, not counting the information described in Subsection (4)(e).

(3) (a) The legislators appointed by the presiding officer of the Senate or House of Representatives to submit arguments shall submit ~~[them]~~ the arguments to the lieutenant governor not later than the day that falls 150 days before the date of the election.

(b) Except as provided in Subsection (3)(d), the authors may not amend or change the arguments after they are submitted to the lieutenant governor.

(c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the arguments in any way.

(d) The lieutenant governor and the authors of an argument may jointly modify an argument after it is submitted if:

(i) they jointly agree that changes to the argument must be made to correct spelling or grammatical errors; and

(ii) the argument has not yet been submitted for typesetting.

(4) (a) If an argument for or an argument against a measure submitted to the voters by the Legislature or by referendum petition has not been filed by a member of the Legislature within the time required by this section:

(i) the ~~[Office of the Lieutenant Governor]~~ lieutenant governor shall immediately:

(A) send an electronic notice that complies with the requirements of Subsection (4)(b) to each individual in the state for whom the Office of the Lieutenant Governor has an email address; or

(B) post a notice that complies with the requirements of Subsection (4)(b) on the home page of the lieutenant governor's website; and

(ii) any voter may, before 5 p.m. no later than seven days after the day on which the lieutenant governor provides the notice described in Subsection (4)(a)(i), submit a written request to the presiding officer of the house in which the measure originated for permission to prepare and file an argument for the side on which no argument has been filed by a member of the Legislature.

(b) A notice described in Subsection (4)(a)(i) shall contain:

(i) the ballot title for the measure;

(ii) instructions on how to submit a request under Subsection (4)(a)(ii); and

(iii) the ~~[deadline]~~ deadlines described in ~~[Subsection]~~ Subsections (4)(a)(ii) and (4)(d).

(c) (i) The presiding officer of the house of origin shall grant permission unless two or more voters timely request permission to submit arguments on the same side of a measure.

(ii) If two or more voters timely request permission to submit arguments on the same side of a measure, the presiding officer shall, no later than four calendar days after the day of the deadline described in Subsection (4)(a)(ii), designate one of the voters to write the argument.

(d) Any argument prepared under this Subsection (4) shall be submitted to the lieutenant governor ~~[not] before 5 p.m. no later than [135 days before the date of the election]~~ seven days after the day on which the presiding officer grants permission to submit the argument.

(e) The lieutenant governor may not accept a ballot argument submitted under this section unless ~~[it is accompanied by]~~ the argument lists:

(i) the name and address of the ~~[person submitting it, if it]~~ individual submitting the argument, if the argument is submitted by an individual voter; or

(ii) the name and address of the organization and the names and addresses of at least two of ~~[its]~~ the organization's principal officers, if [it] the argument is submitted on behalf of

4867 an organization.

4868 (f) Except as provided in Subsection (4)(h), the authors may not amend or change the
4869 arguments after they are submitted to the lieutenant governor.

4870 (g) Except as provided in Subsection (4)(h), the lieutenant governor may not alter the
4871 arguments in any way.

4872 (h) The lieutenant governor and the authors of an argument may jointly modify an
4873 argument after it is submitted if:

4874 (i) they jointly agree that changes to the argument must be made to correct spelling or
4875 grammatical errors; and

4876 (ii) the argument has not yet been submitted for typesetting.

4877 Section 74. Section **20A-7-706** is amended to read:

4878 **20A-7-706. Copies of arguments to be sent to opposing authors -- Rebuttal**
4879 **arguments.**

4880 (1) When the lieutenant governor has received the arguments for and against a measure
4881 to be submitted to the voters, the lieutenant governor shall immediately send copies of the
4882 arguments in favor of the measure to the authors of the arguments against and copies of the
4883 arguments against to the authors of the arguments in favor.

4884 (2) The authors may prepare and submit rebuttal arguments not exceeding 250 words,
4885 not counting the information described in Subsection 20A-7-705(4)(e).

4886 (3) (a) The rebuttal arguments shall be filed with the lieutenant governor:

4887 (i) for constitutional amendments and referendum petitions, [~~not later than the day that~~
4888 ~~falls~~] before 5 p.m. no later than 120 days before the date of the election; and

4889 (ii) for initiatives, [~~not~~] before 5 p.m. no later than July 30.

4890 (b) Except as provided in Subsection (3)(d), the authors may not amend or change the
4891 rebuttal arguments after they are submitted to the lieutenant governor.

4892 (c) Except as provided in Subsection (3)(d), the lieutenant governor may not alter the
4893 arguments in any way.

4894 (d) The lieutenant governor and the authors of a rebuttal argument may jointly modify
4895 a rebuttal argument after it is submitted if:

4896 (i) they jointly agree that changes to the rebuttal argument must be made to correct
4897 spelling or grammatical errors; and

(ii) the rebuttal argument has not yet been submitted for typesetting.

(4) The lieutenant governor shall ensure that:

(a) rebuttal arguments are printed in the same manner as the direct arguments; and

(b) each rebuttal argument follows immediately after the direct argument which it seeks to rebut.

Section 75. Section **20A-7-801** is amended to read:

20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of the lieutenant governor -- Content -- Duties of local election officials -- Deadlines -- Frequently asked voter questions -- Other elections.

(1) There is established the Statewide Electronic Voter Information Website Program administered by the lieutenant governor in cooperation with the county clerks for general elections and municipal authorities for municipal elections.

(2) In accordance with this section, and as resources become available, the lieutenant governor, in cooperation with county clerks, shall develop, establish, and maintain a state-provided Internet website designed to help inform the voters of the state of:

(a) the offices and candidates up for election; and

(b) the content, effect, operation, fiscal impact, and supporting and opposing arguments of ballot propositions submitted to the voters.

(3) Except as provided under Subsection (6), the website shall include:

(a) all information currently provided in the Utah voter information pamphlet under [Title 20A,] Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and submitted by the Judicial Council describing the judicial selection and retention process;

(b) all information submitted by election officers under Subsection (4) on local office races, local office candidates, and local ballot propositions;

(c) a list that contains the name of a political subdivision that operates an election day voting center under Section 20A-3-703 and the location of the election day voting center;

(d) other information determined appropriate by the lieutenant governor that is currently being provided by law, rule, or ordinance in relation to candidates and ballot questions; and

(e) any differences in voting method, time, or location designated by the lieutenant

4929 governor under Subsection 20A-1-308(2).

4930 (4) (a) An election official shall submit the following information for each ballot label
4931 under the election official's direct responsibility under this title:

4932 (i) a list of all candidates for each office;

4933 (ii) if submitted by the candidate to the election official's office [~~at~~] before 5 p.m. [~~at~~
4934 ~~least~~] no later than 45 days before the primary election [~~and~~] or before 5 p.m. no later than 60
4935 days before the general election:

4936 (A) a statement of qualifications, not exceeding 200 words in length, for each
4937 candidate;

4938 (B) the following current biographical information if desired by the candidate, current:

4939 (I) age;

4940 (II) occupation;

4941 (III) city of residence;

4942 (IV) years of residence in current city; and

4943 (V) email address; and

4944 (C) a single web address where voters may access more information about the
4945 candidate and the candidate's views; and

4946 (iii) factual information pertaining to all ballot propositions submitted to the voters,
4947 including:

4948 (A) a copy of the number and ballot title of each ballot proposition;

4949 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
4950 vote was required to place the ballot proposition on the ballot;

4951 (C) a complete copy of the text of each ballot proposition, with all new language
4952 underlined and all deleted language placed within brackets; and

4953 (D) other factual information determined helpful by the election official.

4954 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
4955 governor no later than one business day after the deadline under Subsection (4)(a) for each
4956 general election year and each municipal election year.

4957 (c) The lieutenant governor shall:

4958 (i) review the information submitted under this section, to determine compliance under
4959 this section, prior to placing it on the website;

(ii) refuse to post information submitted under this section on the website if it is not in compliance with the provisions of this section; and

(iii) organize, format, and arrange the information submitted under this section for the website.

(d) The lieutenant governor may refuse to include information the lieutenant governor determines is not in keeping with:

(i) Utah voter needs;

(ii) public decency; or

(iii) the purposes, organization, or uniformity of the website.

(e) A refusal under Subsection (4)(d) is subject to appeal in accordance with Subsection (5).

(5) (a) A person whose information is refused under Subsection (4), and who is aggrieved by the determination, may appeal by submitting a written notice of appeal to the lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

A notice of appeal submitted under this Subsection (5)(a) shall contain:

(i) a listing of each objection to the lieutenant governor's determination; and

(ii) the basis for each objection.

(b) The lieutenant governor shall review the notice of appeal and shall issue a written response within 10 business days after the day on which the notice of appeal is submitted.

(c) An appeal of the response of the lieutenant governor shall be made to the district court, which shall review the matter de novo.

(6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently enter the voter's address information on the website to retrieve information on which offices, candidates, and ballot propositions will be on the voter's ballot at the next general election or municipal election.

(b) The information on the website will anticipate and answer frequent voter questions including the following:

(i) what offices are up in the current year for which the voter may cast a vote;

(ii) who is running for what office and who is the incumbent, if any;

(iii) what address each candidate may be reached at and how the candidate may be contacted;

(iv) for partisan races only, what, if any, is each candidate's party affiliation;

(v) what qualifications have been submitted by each candidate;

(vi) where additional information on each candidate may be obtained;

(vii) what ballot propositions will be on the ballot; and

(viii) what judges are up for retention election.

(7) As resources are made available and in cooperation with the county clerks, the lieutenant governor may expand the electronic voter information website program to include the same information as provided under this section for special elections and primary elections.

Section 76. Section **20A-8-103** is amended to read:

20A-8-103. Petition procedures -- Criminal penalty.

(1) As used in this section, the proposed name or emblem of a registered political party is "distinguishable" if a reasonable person of average intelligence will be able to perceive a difference between the proposed name or emblem and any name or emblem currently being used by another registered political party.

(2) To become a registered political party, an organization of registered voters that is not a continuing political party shall:

(a) circulate a petition seeking registered political party status beginning no earlier than the date of the statewide canvass held after the last regular general election and ending before 5 p.m. no later than November 30 of the year before the year in which the next regular general election will be held;

(b) file a petition with the lieutenant governor that is signed, with a holographic signature, by at least 2,000 registered voters [~~on or before~~] before 5 p.m. no later than November 30 of the year in which a regular general election will be held; and

(c) file, with the petition described in Subsection (2)(b), a document certifying:

(i) the identity of one or more registered political parties whose members may vote for the organization's candidates;

(ii) whether unaffiliated voters may vote for the organization's candidates; and

(iii) whether, for the next election, the organization intends to nominate the organization's candidates in accordance with the provisions of Section 20A-9-406.

(3) The petition shall:

(a) be on sheets of paper 8-1/2 inches long and 11 inches wide;

5022 (b) be ruled with a horizontal line 3/4 inch from the top, with the space above that line
5023 blank for the purpose of binding;

5024 (c) contain the name of the political party and the words "Political Party Registration
5025 Petition" printed directly below the horizontal line;

5026 (d) contain the word "Warning" printed directly under the words described in
5027 Subsection (3)(c);

5028 (e) contain, to the right of the word "Warning," the following statement printed in not
5029 less than eight-point, single leaded type:

5030 "It is a class A misdemeanor for anyone to knowingly sign a political party registration
5031 petition signature sheet with any name other than the individual's own name or more than once
5032 for the same party or if the individual is not registered to vote in this state and does not intend
5033 to become registered to vote in this state before the petition is submitted to the lieutenant
5034 governor.";

5035 (f) contain the following statement directly under the statement described in Subsection
5036 (3)(e):

5037 "POLITICAL PARTY REGISTRATION PETITION To the Honorable _____,
5038 Lieutenant Governor:

5039 We, the undersigned citizens of Utah, seek registered political party status for _____
5040 (name);

5041 Each signer says:

5042 I have personally signed this petition with a holographic signature;

5043 I am registered to vote in Utah or will register to vote in Utah before the petition is
5044 submitted to the lieutenant governor;

5045 I am or desire to become a member of the political party; and

5046 My street address is written correctly after my name."; [and]

5047 (g) be vertically divided into columns as follows:

5048 (i) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be
5049 headed with "For Office Use Only," and be subdivided with a light vertical line down the
5050 middle;

5051 (ii) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed
5052 Name (must be legible to be counted)";

5053 (iii) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of
 5054 Registered Voter";
 5055 (iv) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
 5056 (v) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip
 5057 Code"; and
 5058 (vi) at the bottom of the sheet, contain the following statement: "Birth date or age
 5059 information is not required, but it may be used to verify your identity with voter registration
 5060 records. If you choose not to provide it, your signature may not be certified as a valid signature
 5061 if you change your address before petition signatures are certified or if the information you
 5062 provide does not match your voter registration records.";
 5063 (h) have a final page bound to one or more signature sheets that are bound together that
 5064 contains the following printed statement:
 5065 "Verification
 5066 State of Utah, County of ____
 5067 I, _____, of _____, hereby state that:
 5068 I am a Utah resident and am at least 18 years old;
 5069 All the names that appear on the signature sheets bound to this page were signed by
 5070 individuals who professed to be the individuals whose names appear on the signature sheets,
 5071 and each individual signed the individual's name on the signature sheets in my presence;
 5072 I believe that each individual has printed and signed the individual's name and written
 5073 the individual's street address correctly, and that each individual is registered to vote in Utah or
 5074 will register to vote in Utah before the petition is submitted to the lieutenant governor.
 5075 _____
 5076 (Signature) (Residence Address) (Date)"; and
 5077 (i) be bound to a cover sheet that:
 5078 (i) identifies the political party's name, which may not exceed four words, and the
 5079 emblem of the party;
 5080 (ii) states the process that the organization will follow to organize and adopt a
 5081 constitution and bylaws; and
 5082 (iii) is signed by a filing officer, who agrees to receive communications on behalf of
 5083 the organization.

(4) The filing officer described in Subsection (3)(i)(iii) shall ensure that the individual in whose presence each signature sheet is signed:

- (a) is at least 18 years old;
- (b) meets the residency requirements of Section 20A-2-105; and
- (c) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.

(5) An individual may not sign the verification if the individual signed a signature sheet bound to the verification.

- (6) The lieutenant governor shall:
- (a) determine whether the required number of voters appears on the petition;
 - (b) review the proposed name and emblem to determine if they are "distinguishable" from the names and emblems of other registered political parties; and
 - (c) certify the lieutenant governor's findings to the filing officer described in Subsection (3)(i)(iii) within 30 days of the filing of the petition.

(7) (a) If the lieutenant governor determines that the petition meets the requirements of this section, and that the proposed name and emblem are distinguishable, the lieutenant governor shall authorize the filing officer described in Subsection (3)(i)(iii) to organize the prospective political party.

(b) If the lieutenant governor finds that the name, emblem, or both are not distinguishable from the names and emblems of other registered political parties, the lieutenant governor shall notify the filing officer that the filing officer has seven days to submit a new name or emblem to the lieutenant governor.

(8) A registered political party may not change its name or emblem during the regular general election cycle.

- (9) (a) It is unlawful for an individual to:
- (i) knowingly sign a political party registration petition:
 - (A) with any name other than the individual's own name;
 - (B) more than once for the same political party; or
 - (C) if the individual is not registered to vote in this state and does not intend to become registered to vote in this state before the petition is submitted to the lieutenant governor; or
 - (ii) sign the verification of a political party registration petition signature sheet if the

5115 individual:

5116 (A) does not meet the residency requirements of Section 20A-2-105;

5117 (B) has not witnessed the signing by those individuals whose names appear on the
5118 political party registration petition signature sheet; or

5119 (C) knows that an individual whose signature appears on the political party registration
5120 petition signature sheet is not registered to vote in this state and does not intend to become
5121 registered to vote in this state.

5122 (b) An individual who violates this Subsection (9) is guilty of a class A misdemeanor.

5123 Section 77. Section **20A-8-106** is amended to read:

5124 **20A-8-106. Organization as a political party -- Certification procedures.**

5125 (1) [~~On or before~~] Before 5 p.m. no later than March 1 of the regular general election
5126 year, the prospective political party's officers or governing board shall file the names of the
5127 party officers or governing board with the lieutenant governor.

5128 (2) After reviewing the information and determining that all proper procedures have
5129 been completed, the lieutenant governor shall:

5130 (a) issue a certificate naming the organization as a registered political party in Utah and
5131 designating its official name; and

5132 (b) inform each county clerk that the organization is a registered political party in Utah.

5133 (3) All election officers and state officials shall consider the organization to be and
5134 shall treat the organization as a registered political party.

5135 (4) The newly registered political party shall comply with all the provisions of Utah
5136 law governing political parties.

5137 (5) (a) If the newly registered political party does not hold a national party convention,
5138 the governing board of the political party may designate the names of the party's candidates for
5139 the offices of President and Vice President of the United States and the names of the party's
5140 presidential electors to the lieutenant governor [~~by~~] before 5 p.m. no later than August 15.

5141 (b) If the party chooses to designate names, the governing board shall certify those
5142 names.

5143 Section 78. Section **20A-8-401** is amended to read:

5144 **20A-8-401. Registered political parties -- Bylaws -- Report name of midterm**
5145 **vacancy candidate.**

5146 ~~[(1)(a) Each registered state political party shall file a copy of its constitution and~~
5147 ~~bylaws with the lieutenant governor by January 1, 1995.]~~

5148 ~~[(b)]~~ (1) (a) Each new or unregistered state political party that seeks to become a
5149 registered political party under the authority of this chapter shall file a copy of ~~[its]~~ the party's
5150 proposed constitution and bylaws at the time ~~[it]~~ the party files ~~[its]~~ the party's registration
5151 information.

5152 ~~[(c)]~~ (b) Each registered state political party shall file revised copies of ~~[its]~~ the party's
5153 constitution or bylaws with the lieutenant governor before 5 p.m. within 15 days after the day
5154 on which the constitution or bylaws are adopted or amended.

5155 (2) Each state political party, each new political party seeking registration, and each
5156 unregistered political party seeking registration shall ensure that ~~[its]~~ the party's constitution or
5157 bylaws contain:

5158 (a) provisions establishing party organization, structure, membership, and governance
5159 that include:

5160 (i) a description of the position, selection process, qualifications, duties, and terms of
5161 each party officer and committees defined by constitution and bylaws;

5162 (ii) a provision requiring a designated party officer to serve as liaison with:

5163 (A) the lieutenant governor on all matters relating to the political party's relationship
5164 with the state; and

5165 (B) each county legislative body on matters relating to the political party's relationship
5166 with a county;

5167 (iii) a description of the requirements for participation in party processes;

5168 (iv) the dates, times, and quorum of any regularly scheduled party meetings,
5169 conventions, or other conclaves; and

5170 (v) a mechanism for making the names of delegates, candidates, and elected party
5171 officers available to the public shortly after they are selected;

5172 (b) a procedure for selecting party officers that allows active participation by party
5173 members;

5174 (c) a procedure for selecting party candidates at the federal, state, and county levels that
5175 allows active participation by party members;

5176 (d) (i) a procedure for selecting electors who are pledged to cast their votes in the

5177 electoral college for the party's candidates for president and vice president of the United States;
5178 and

5179 (ii) a procedure for filling vacancies in the office of presidential elector because of
5180 death, refusal to act, failure to attend, ineligibility, or any other cause;

5181 (e) a procedure for filling vacancies in the office of representative or senator or a
5182 county office, as described in Section 20A-1-508, because of death, resignation, or ineligibility;

5183 (f) a provision requiring the governor and lieutenant governor to run as a joint ticket;

5184 (g) a procedure for replacing party candidates who die, acquire a disability that
5185 prevents the candidate from continuing the candidacy, or are disqualified before a primary or
5186 regular general election;

5187 (h) provisions governing the deposit and expenditure of party funds, and governing the
5188 accounting for, reporting, and audit of party financial transactions;

5189 (i) provisions governing access to party records;

5190 (j) a procedure for amending the constitution or bylaws that allows active participation
5191 by party members or their representatives;

5192 (k) a process for resolving grievances against the political party; and

5193 (l) if desired by the political party, a process for consulting with, and obtaining the
5194 opinion of, the political party's Utah Senate and Utah House members about:

5195 (i) the performance of the two United States Senators from Utah, including
5196 specifically:

5197 (A) their views and actions regarding the defense of state's rights and federalism; and

5198 (B) their performance in representing Utah's interests;

5199 (ii) the members' opinion about, or rating of, and support or opposition to the policy
5200 positions of any candidates for United States Senate from Utah, including incumbents,
5201 including specifically:

5202 (A) their views and actions regarding the defense of state's rights and federalism; and

5203 (B) their performance in representing Utah's interests; and

5204 (iii) the members' collective or individual endorsement or rating of a particular
5205 candidate for United States Senate from Utah.

5206 (3) If, in accordance with a political party's constitution or bylaws, a person files a
5207 declaration or otherwise notifies the party of the person's candidacy as a legislative office

candidate or state office candidate, as defined in Section 20A-11-101, to be appointed and fill a midterm vacancy in the office of representative or senator in the Legislature, as described in Section 20A-1-503, or in a state office as described in Section 20A-1-504, the party shall forward a copy of that declaration or notification to the lieutenant governor ~~[no later than]~~ before 5 p.m. ~~[of]~~ no later than the day following the day on which the party receives the declaration or notification.

Section 79. Section **20A-8-402** is amended to read:

20A-8-402. Political party officers -- Submission of names of officers to the lieutenant governor.

(1) Each state political party shall:

(a) designate a party officer to act as liaison with:

(i) the lieutenant governor's office; and

(ii) each county legislative body; and

(b) ~~[within seven days of any]~~ before 5 p.m. no later than seven days after the day on which the party makes a change in the party liaison, submit the name of the new liaison to the lieutenant governor.

(2) Each state political party and each county political party shall:

(a) submit the name, address, and phone number of each officer to the lieutenant governor within seven days after the officers are selected; and

(b) ~~[within seven days of any]~~ before 5 p.m. no later than seven days after the day on which the party makes a change in party officers, submit the name, address, and phone number of each new officer to the lieutenant governor.

Section 80. Section **20A-8-402.5** is amended to read:

20A-8-402.5. Notification of political convention dates.

(1) ~~[On or before]~~ Before 5 p.m. no later than February 15 of each even-numbered year, a registered political party shall notify the lieutenant governor of the dates of each political convention that will be held by the registered political party that year.

(2) If, after providing the notice described in Subsection (1), a registered political party changes the date of a political convention, the registered political party shall notify the lieutenant governor of the change ~~[within]~~ before 5 p.m. no later than one business day after the day on which the registered political party makes the change.

5239 Section 81. Section **20A-8-404** is amended to read:

5240 **20A-8-404. Use of public meeting buildings by political parties.**

5241 (1) The legislative body of a county, municipality, or school district shall make all
5242 meeting facilities in buildings under its control available to registered political parties, without
5243 discrimination, to be used for political party activities if:

5244 (a) the political party requests the use of the meeting facility [~~at least~~] before 5 p.m. no
5245 later than 30 calendar days before the day on which the use by the political party will take
5246 place; and

5247 (b) the meeting facility is not already scheduled for another purpose at the time of the
5248 proposed use.

5249 (2) Subject to the requirements of Subsection (3), when a legislative body makes a
5250 meeting facility available under Subsection (1), it may establish terms and conditions for use of
5251 that meeting facility.

5252 (3) The charge imposed for the use of a meeting facility described in Subsection (1) by
5253 a registered political party may not exceed the actual cost of:

5254 (a) custodial services for cleaning the meeting facility after the use by the political
5255 party; and

5256 (b) any service requested by the political party and provided by the meeting facility.

5257 (4) An entity described in Subsection (1) shall, to the extent possible, avoid scheduling
5258 an event in a government building for the same evening as an announced party caucus meeting.

5259 (5) This section does not apply to a publicly owned or operated convention center,
5260 sports arena, or other facility at which conventions, conferences, and other gatherings are held
5261 and whose primary business or function is to host such conventions, conferences, and other
5262 gatherings.

5263 Section 82. Section **20A-9-202** is amended to read:

5264 **20A-9-202. Declarations of candidacy for regular general elections.**

5265 (1) (a) An individual seeking to become a candidate for an elective office that is to be
5266 filled at the next regular general election shall:

5267 (i) except as provided in Subsection (1)(b), file a declaration of candidacy in person
5268 with the filing officer on or after January 1 of the regular general election year, and, if
5269 applicable, before the individual circulates nomination petitions under Section 20A-9-405; and

5270 (ii) pay the filing fee.

5271 (b) Subject to Subsection 20A-9-201(7)(b), an individual may designate an agent to file
5272 a declaration of candidacy with the filing officer if:

5273 (i) the individual is located outside of the state during the entire filing period;

5274 (ii) the designated agent appears in person before the filing officer;

5275 (iii) the individual communicates with the filing officer using an electronic device that
5276 allows the individual and filing officer to see and hear each other; and

5277 (iv) the individual provides the filing officer with an email address to which the filing
5278 officer may send the individual the copies described in Subsection 20A-9-201(5).

5279 (c) Each county clerk who receives a declaration of candidacy from a candidate for
5280 multicounty office shall transmit the filing fee and a copy of the candidate's declaration of
5281 candidacy to the lieutenant governor within one business day after the candidate files the
5282 declaration of candidacy.

5283 (d) Each day during the filing period, each county clerk shall notify the lieutenant
5284 governor electronically or by telephone of candidates who have filed a declaration of candidacy
5285 with the county clerk.

5286 (e) Each individual seeking the office of lieutenant governor, the office of district
5287 attorney, or the office of president or vice president of the United States shall comply with the
5288 specific declaration of candidacy requirements established by this section.

5289 (2) (a) Each individual intending to become a candidate for the office of district
5290 attorney within a multicounty prosecution district that is to be filled at the next regular general
5291 election shall:

5292 (i) file a declaration of candidacy with the clerk designated in the interlocal agreement
5293 creating the prosecution district on or after January 1 of the regular general election year, and
5294 before the individual circulates nomination petitions under Section 20A-9-405; and

5295 (ii) pay the filing fee.

5296 (b) The designated clerk shall provide to the county clerk of each county in the
5297 prosecution district a certified copy of each declaration of candidacy filed for the office of
5298 district attorney.

5299 (3) (a) [~~On or before~~] Before 5 p.m. [on] no later than the first Monday after the third
5300 Saturday in April, each lieutenant governor candidate shall:

- 5301 (i) file a declaration of candidacy with the lieutenant governor;
5302 (ii) pay the filing fee; and
5303 (iii) submit a letter from a candidate for governor who has received certification for the
5304 primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate
5305 as a joint-ticket running mate.
- 5306 (b) (i) A candidate for lieutenant governor who fails to timely file is disqualified.
5307 (ii) If a candidate for lieutenant governor is disqualified, another candidate may file to
5308 replace the disqualified candidate.
- 5309 (4) [~~On or before~~] Before 5 p.m. no later than August 31, each registered political party
5310 shall:
- 5311 (a) certify the names of the political party's candidates for president and vice president
5312 of the United States to the lieutenant governor; or
5313 (b) provide written authorization for the lieutenant governor to accept the certification
5314 of candidates for president and vice president of the United States from the national office of
5315 the registered political party.
- 5316 (5) (a) A declaration of candidacy filed under this section is valid unless a written
5317 objection is filed with the clerk or lieutenant governor before 5 p.m. within five days after the
5318 last day for filing.
- 5319 (b) If an objection is made, the clerk or lieutenant governor shall:
- 5320 (i) mail or personally deliver notice of the objection to the affected candidate
5321 immediately; and
5322 (ii) decide any objection within 48 hours after it is filed.
- 5323 (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the
5324 problem by amending the declaration or petition before 5 p.m. within three days after the day
5325 on which the objection is sustained or by filing a new declaration before 5 p.m. within three
5326 days after the day on which the objection is sustained.
- 5327 (d) (i) The clerk's or lieutenant governor's decision upon objections to form is final.
5328 (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable
5329 by a district court if prompt application is made to the court.
- 5330 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5331 of its discretion, agrees to review the lower court decision.

(6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.

(7) (a) Except for a candidate who is certified by a registered political party under Subsection (4), and except as provided in Section 20A-9-504, ~~[on or before]~~ before 5 p.m. no later than August 31 of a general election year, each individual running as a candidate for vice president of the United States shall:

(i) file a declaration of candidacy, in person or via a designated agent, on a form developed by the lieutenant governor, that:

(A) contains the individual's name, address, and telephone number;

(B) states that the individual meets the qualifications for the office of vice president of the United States;

(C) names the presidential candidate, who has qualified for the general election ballot, with which the individual is running as a joint-ticket running mate;

(D) states that the individual agrees to be the running mate of the presidential candidate described in Subsection (7)(a)(i)(C); and

(E) contains any other necessary information identified by the lieutenant governor;

(ii) pay the filing fee, if applicable; and

(iii) submit a letter from the presidential candidate described in Subsection (7)(a)(i)(C) that names the individual as a joint-ticket running mate as a vice presidential candidate.

(b) A designated agent described in Subsection (7)(a)(i) may not sign the declaration of candidacy.

(c) A vice presidential candidate who fails to meet the requirements described in this Subsection (7) may not appear on the general election ballot.

Section 83. Section **20A-9-203** is amended to read:

20A-9-203. Declarations of candidacy -- Municipal general elections.

(1) An individual may become a candidate for any municipal office if:

(a) the individual is a registered voter; and

(b) (i) the individual has resided within the municipality in which the individual seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or

(ii) the territory in which the individual resides was annexed into the municipality, the

individual has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.

(2) (a) For purposes of determining whether an individual meets the residency requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months before the election, the municipality is considered to have been incorporated 12 months before the date of the election.

(b) In addition to the requirements of Subsection (1), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which the candidate is elected.

(c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent individual, an individual convicted of a felony, or an individual convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.

(3) (a) An individual seeking to become a candidate for a municipal office shall, regardless of the nomination method by which the individual is seeking to become a candidate:

(i) except as provided in Subsection (3)(b), file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and

(ii) pay the filing fee, if one is required by municipal ordinance.

(b) Subject to Subsection (5)(b), an individual may designate an agent to file a declaration of candidacy with the city recorder or town clerk if:

(i) the individual is located outside of the state during the entire filing period;

(ii) the designated agent appears in person before the city recorder or town clerk;

(iii) the individual communicates with the city recorder or town clerk using an electronic device that allows the individual and city recorder or town clerk to see and hear each other; and

(iv) the individual provides the city recorder or town clerk with an email address to which the city recorder or town clerk may send the individual the copies described in Subsection (4).

(c) Any resident of a municipality may nominate a candidate for a municipal office by:

(i) filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and

(ii) paying the filing fee, if one is required by municipal ordinance.

(4) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or individual filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(ii) require the candidate or individual filing the petition to state whether the candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:

(i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

(iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);

(iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:

(A) signing the pledge is voluntary; and

(B) signed pledges shall be filed with the filing officer; and

(v) accept the declaration of candidacy or nomination petition.

(d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:

(i) accept the candidate's pledge; and

(ii) if the candidate has filed for a partisan office, provide a certified copy of the

5425 candidate's pledge to the chair of the county or state political party of which the candidate is a
5426 member.

5427 (5) (a) The declaration of candidacy shall be in substantially the following form:

5428 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
5429 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
5430 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
5431 the legal qualifications required of candidates for this office. If filing via a designated agent, I
5432 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
5433 all campaign financial disclosure reports as required by law and I understand that failure to do
5434 so will result in my disqualification as a candidate for this office and removal of my name from
5435 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5436 _____

5437 Subscribed and sworn to (or affirmed) before me by _____ on this
5438 _____(month\day\year).

5439 (Signed) _____ (Clerk or other officer qualified to administer oath)".

5440 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
5441 not sign the form described in Subsection (5)(a).

5442 (6) If the declaration of candidacy or nomination petition fails to state whether the
5443 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
5444 for the four-year term.

5445 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
5446 voters.

5447 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5448 print the candidate's name on the ballot.

5449 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
5450 clerk shall:

5451 (a) ~~[cause]~~ publish a list of the names of the candidates as they will appear on the ballot
5452 ~~[to be published]~~:

5453 (i) (A) in at least two successive publications of a newspaper ~~[with]~~ of general
5454 circulation in the municipality; ~~[and]~~

5455 (B) if there is no newspaper of general circulation in the municipality, by posting one

copy of the list, and at least one additional copy of the list per 2,000 population of the municipality, in places within the municipality that are most likely to give notice to the voters in the municipality; or

(C) by mailing notice to each registered voter in the municipality;

(ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;

[~~(ii) as required~~] (iii) in accordance with Section 45-1-101, for seven days; and

(iv) if the municipality has a website, on the municipality's website for seven days; and

(b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.

(9) Except as provided in Subsection (10)(c), an individual may not amend a declaration of candidacy or nomination petition filed under this section after the candidate filing period ends.

(10) (a) A declaration of candidacy or nomination petition that an individual files under this section is valid unless a person files a written objection with the clerk before 5 p.m. within five days after the last day for filing.

(b) If a person files an objection, the clerk shall:

(i) mail or personally deliver notice of the objection to the affected candidate immediately; and

(ii) decide any objection within 48 hours after the objection is filed.

(c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three days after the day on which the clerk sustains the objection, correct the problem for which the objection is sustained by amending the candidate's declaration of candidacy or nomination petition, or by filing a new declaration of candidacy.

(d) (i) The clerk's decision upon objections to form is final.

(ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

(iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.

(11) A candidate who qualifies for the ballot under this section may withdraw as a candidate by filing a written affidavit with the municipal clerk.

Section 84. Section **20A-9-404** is amended to read:

5487 **20A-9-404. Municipal primary elections.**

5488 (1) (a) Except as otherwise provided in this section or [~~Title 20A,~~] Chapter 4, Part 6,
5489 Municipal Alternate Voting Methods Pilot Project, candidates for municipal office in all
5490 municipalities shall be nominated at a municipal primary election.

5491 (b) Municipal primary elections shall be held:

5492 (i) consistent with Section 20A-1-201.5, on the second Tuesday following the first
5493 Monday in the August before the regular municipal election; and

5494 (ii) whenever possible, at the same polling places as the regular municipal election.

5495 (2) Except as otherwise provided in [~~Title 20A,~~] Chapter 4, Part 6, Municipal Alternate
5496 Voting Methods Pilot Project, if the number of candidates for a particular municipal office
5497 does not exceed twice the number of individuals needed to fill that office, a primary election
5498 for that office may not be held and the candidates are considered nominated.

5499 (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly
5500 of voters or delegates.

5501 (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal
5502 election, any third, fourth, or fifth class city or town may exempt itself from a primary election
5503 by providing that the nomination of candidates for municipal office to be voted upon at a
5504 municipal election be nominated by a political party convention or committee.

5505 (ii) Any primary election exemption ordinance adopted under the authority of this
5506 Subsection (3) remains in effect until repealed by ordinance.

5507 (c) (i) A convention or committee may not nominate:

5508 (A) an individual who has not submitted a declaration of candidacy, or has not been
5509 nominated by a nomination petition, under Section 20A-9-203; or

5510 (B) more than one group of candidates, or have placed on the ballot more than one
5511 group of candidates, for the municipal offices to be voted upon at the municipal election.

5512 (ii) A convention or committee may nominate an individual who has been nominated
5513 by a different convention or committee.

5514 (iii) A political party may not have more than one group of candidates placed upon the
5515 ballot and may not group the same candidates on different tickets by the same party under a
5516 different name or emblem.

5517 (d) (i) The convention or committee shall prepare a certificate of nomination for each

5518 individual nominated.

5519 (ii) The certificate of nomination shall:

5520 (A) contain the name of the office for which each individual is nominated, the name,
5521 post office address, and, if in a city, the street number of residence and place of business, if
5522 any, of each individual nominated;

5523 (B) designate in not more than five words the political party that the convention or
5524 committee represents;

5525 (C) contain a copy of the resolution passed at the convention that authorized the
5526 committee to make the nomination;

5527 (D) contain a statement certifying that the name of the candidate nominated by the
5528 political party will not appear on the ballot as a candidate for any other political party;

5529 (E) be signed by the presiding officer and secretary of the convention or committee;
5530 and

5531 (F) contain a statement identifying the residence and post office address of the
5532 presiding officer and secretary and certifying that the presiding officer and secretary were
5533 officers of the convention or committee and that the certificates are true to the best of their
5534 knowledge and belief.

5535 (iii) Certificates of nomination shall be filed with the clerk [~~not~~] before 5 p.m. no later
5536 than 80 days before the municipal general election.

5537 (e) A committee appointed at a convention, if authorized by an enabling resolution,
5538 may also make nominations or fill vacancies in nominations made at a convention.

5539 (f) The election ballot shall substantially comply with the form prescribed in [~~Title~~
5540 ~~20A,~~] Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name
5541 shall be included with the candidate's name.

5542 (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1
5543 that falls before the regular municipal election that:

5544 (i) exempts the city from the other methods of nominating candidates to municipal
5545 office provided in this section; and

5546 (ii) provides for a partisan primary election method of nominating candidates as
5547 provided in this Subsection (4).

5548 (b) (i) Any party that was a registered political party at the last regular general election

5549 or regular municipal election is a municipal political party under this section.

5550 (ii) Any political party may qualify as a municipal political party by presenting a
5551 petition to the city recorder that:

5552 (A) is signed, with a holographic signature, by registered voters within the municipality
5553 equal to at least 20% of the number of votes cast for all candidates for mayor in the last
5554 municipal election at which a mayor was elected;

5555 (B) is filed with the city recorder ~~[by]~~ before 5 p.m. no later than May 31 of any
5556 odd-numbered year;

5557 (C) is substantially similar to the form of the signature sheets described in Section
5558 20A-7-303; and

5559 (D) contains the name of the municipal political party using not more than five words.

5560 (c) (i) If the number of candidates for a particular office does not exceed twice the
5561 number of offices to be filled at the regular municipal election, no partisan primary election for
5562 that office shall be held and the candidates are considered to be nominated.

5563 (ii) If the number of candidates for a particular office exceeds twice the number of
5564 offices to be filled at the regular municipal election, those candidates for municipal office shall
5565 be nominated at a partisan primary election.

5566 (d) The clerk shall ensure that:

5567 (i) the partisan municipal primary ballot is similar to the ballot forms required by
5568 Sections 20A-6-401 and 20A-6-401.1;

5569 (ii) the candidates for each municipal political party are listed in one or more columns
5570 under their party name and emblem;

5571 (iii) the names of candidates of all parties are printed on the same ballot, but under
5572 their party designation; and

5573 (iv) every ballot separates the candidates of one party from those of the other parties.

5574 (e) After marking a municipal primary ballot, the voter shall deposit the ballot in the
5575 blank ballot box.

5576 (f) Immediately after the canvass, the election judges shall, without examination,
5577 destroy the tickets deposited in the blank ballot box.

5578 Section 85. Section **20A-9-407** is amended to read:

5579 **20A-9-407. Convention process to seek the nomination of a qualified political**

5580 **party.**

5581 (1) This section describes the requirements for a member of a qualified political party
5582 who is seeking the nomination of a qualified political party for an elective office through the
5583 qualified political party's convention process.

5584 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
5585 candidacy for a member of a qualified political party who is nominated by, or who is seeking
5586 the nomination of, the qualified political party under this section shall be substantially as
5587 described in Section 20A-9-408.5.

5588 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
5589 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
5590 nomination of the qualified political party for an elective office that is to be filled at the next
5591 general election, shall:

5592 (a) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy
5593 in person with the filing officer on or after the second Friday in March and before 5 p.m. on the
5594 third Thursday in March before the next regular general election; and

5595 (b) pay the filing fee.

5596 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
5597 party who, under this section, is seeking the nomination of the qualified political party for the
5598 office of district attorney within a multicounty prosecution district that is to be filled at the next
5599 general election shall:

5600 (a) file a declaration of candidacy with the county clerk designated in the interlocal
5601 agreement creating the prosecution district on or after the second Friday in March and before 5
5602 p.m. on the third Thursday in March before the next regular general election; and

5603 (b) pay the filing fee.

5604 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
5605 who files as the joint-ticket running mate of an individual who is nominated by a qualified
5606 political party, under this section, for the office of governor shall, on or before 5 p.m. on the
5607 first Monday after the third Saturday in April, file a declaration of candidacy and submit a letter
5608 from the candidate for governor that names the lieutenant governor candidate as a joint-ticket
5609 running mate.

5610 (6) (a) A qualified political party that nominates a candidate under this section shall

5611 certify the name of the candidate to the lieutenant governor before 5 p.m. on the first Monday
5612 after the [~~fourth~~] third Saturday in April.

5613 (b) The lieutenant governor shall include, in the primary ballot certification or, for a
5614 race where a primary is not held because the candidate is unopposed, in the general election
5615 ballot certification, the name of each candidate nominated by a qualified political party under
5616 this section.

5617 (7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who
5618 is nominated by a qualified political party under this section, designate the qualified political
5619 party that nominated the candidate.

5620 Section 86. Section **20A-9-408** is amended to read:

5621 **20A-9-408. Signature-gathering process to seek the nomination of a qualified**
5622 **political party.**

5623 (1) This section describes the requirements for a member of a qualified political party
5624 who is seeking the nomination of the qualified political party for an elective office through the
5625 signature-gathering process described in this section.

5626 (2) Notwithstanding Subsection 20A-9-201(7)(a), the form of the declaration of
5627 candidacy for a member of a qualified political party who is nominated by, or who is seeking
5628 the nomination of, the qualified political party under this section shall be substantially as
5629 described in Section 20A-9-408.5.

5630 (3) Notwithstanding Subsection 20A-9-202(1)(a), and except as provided in Subsection
5631 20A-9-202(4), a member of a qualified political party who, under this section, is seeking the
5632 nomination of the qualified political party for an elective office that is to be filled at the next
5633 general election shall:

5634 (a) within the period beginning on January 1 before the next regular general election
5635 and ending at 5 p.m. on the third Thursday in March of the same year, and before gathering
5636 signatures under this section, file with the filing officer on a form approved by the lieutenant
5637 governor a notice of intent to gather signatures for candidacy that includes:

5638 (i) the name of the member who will attempt to become a candidate for a registered
5639 political party under this section;

5640 (ii) the name of the registered political party for which the member is seeking
5641 nomination;

5642 (iii) the office for which the member is seeking to become a candidate;
5643 (iv) the address and telephone number of the member; and
5644 (v) other information required by the lieutenant governor;
5645 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,
5646 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
5647 the third Thursday in March before the next regular general election; and
5648 (c) pay the filing fee.
5649 (4) Notwithstanding Subsection 20A-9-202(2)(a), a member of a qualified political
5650 party who, under this section, is seeking the nomination of the qualified political party for the
5651 office of district attorney within a multicounty prosecution district that is to be filled at the next
5652 general election shall:
5653 (a) on or after January 1 before the next regular general election, and before gathering
5654 signatures under this section, file with the filing officer on a form approved by the lieutenant
5655 governor a notice of intent to gather signatures for candidacy that includes:
5656 (i) the name of the member who will attempt to become a candidate for a registered
5657 political party under this section;
5658 (ii) the name of the registered political party for which the member is seeking
5659 nomination;
5660 (iii) the office for which the member is seeking to become a candidate;
5661 (iv) the address and telephone number of the member; and
5662 (v) other information required by the lieutenant governor;
5663 (b) except as provided in Subsection 20A-9-202(1)(b), file a declaration of candidacy,
5664 in person, with the filing officer on or after the second Friday in March and before 5 p.m. on
5665 the third Thursday in March before the next regular general election; and
5666 (c) pay the filing fee.
5667 (5) Notwithstanding Subsection 20A-9-202(3)(a)(iii), a lieutenant governor candidate
5668 who files as the joint-ticket running mate of an individual who is nominated by a qualified
5669 political party, under this section, for the office of governor shall, ~~on or~~ before 5 p.m. ~~on~~ no
5670 later than the first Monday after the third Saturday in April, file a declaration of candidacy and
5671 submit a letter from the candidate for governor that names the lieutenant governor candidate as
5672 a joint-ticket running mate.

(6) The lieutenant governor shall ensure that the certification described in Subsection 20A-9-701(1) also includes the name of each candidate nominated by a qualified political party under this section.

(7) Notwithstanding Subsection 20A-9-701(2), the ballot shall, for each candidate who is nominated by a qualified political party under this section, designate the qualified political party that nominated the candidate.

(8) A member of a qualified political party may seek the nomination of the qualified political party for an elective office by:

(a) complying with the requirements described in this section; and

(b) collecting signatures, on a form approved by the lieutenant governor, during the period beginning on January 1 of an even-numbered year and ending at 5 p.m. 14 days before the day on which the qualified political party's convention for the office is held, in the following amounts:

(i) for a statewide race, 28,000 signatures of registered voters in the state who are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(ii) for a congressional district race, 7,000 signatures of registered voters who are residents of the congressional district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iii) for a state Senate district race, 2,000 signatures of registered voters who are residents of the state Senate district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(iv) for a state House district race, 1,000 signatures of registered voters who are residents of the state House district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election;

(v) for a State Board of Education race, the lesser of:

(A) 2,000 signatures of registered voters who are residents of the State Board of Education district and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election; or

(B) 3% of the registered voters of the qualified political party who are residents of the applicable State Board of Education district; and

(vi) for a county office race, signatures of 3% of the registered voters who are residents of the area permitted to vote for the county office and are permitted by the qualified political party to vote for the qualified political party's candidates in a primary election.

(9) (a) In order for a member of the qualified political party to qualify as a candidate for the qualified political party's nomination for an elective office under this section, the member shall:

(i) collect the signatures on a form approved by the lieutenant governor, using the same circulation and verification requirements described in Sections 20A-7-204 and 20A-7-205; and

(ii) submit the signatures to the election officer before 5 p.m. no later than 14 days before the day on which the qualified political party holds ~~[its]~~ the party's convention to select candidates, for the elective office, for the qualified political party's nomination.

(b) An individual may not gather signatures under this section until after the individual files a notice of intent to gather signatures for candidacy described in this section.

(c) An individual who files a notice of intent to gather signatures for candidacy, described in Subsection (3)(a) or (4)(a), is, beginning on the day on which the individual files the notice of intent to gather signatures for candidacy:

(i) required to comply with the reporting requirements that a candidate for office is required to comply with; and

(ii) subject to the same enforcement provisions, and civil and criminal penalties, that apply to a candidate for office in relation to the reporting requirements described in Subsection (9)(c)(i).

(d) Upon timely receipt of the signatures described in Subsections (8) and (9)(a), the election officer shall, no later than one day before the day on which the qualified political party holds the convention to select a nominee for the elective office to which the signature packets relate:

(i) check the name of each individual who completes the verification for a signature packet to determine whether each individual is a resident of Utah and is at least 18 years old;

(ii) submit the name of each individual described in Subsection (9)(d)(i) who is not a Utah resident or who is not at least 18 years old to the attorney general and the county attorney;

(iii) determine whether each signer is a registered voter who is qualified to sign the petition, using the same method, described in Section 20A-7-206.3, used to verify a signature

5735 on a petition;

5736 (iv) certify whether each name is that of a registered voter who is qualified to sign the
5737 signature packet; and

5738 (v) notify the qualified political party and the lieutenant governor of the name of each
5739 member of the qualified political party who qualifies as a nominee of the qualified political
5740 party, under this section, for the elective office to which the convention relates.

5741 (e) Upon receipt of a notice of intent to gather signatures for candidacy described in
5742 this section, the lieutenant governor shall post the notice of intent to gather signatures for
5743 candidacy on the lieutenant governor's website in the same location that the lieutenant governor
5744 posts a declaration of candidacy.

5745 Section 87. Section **20A-9-504** is amended to read:

5746 **20A-9-504. Unaffiliated candidates -- Governor and president of the United**
5747 **States.**

5748 (1) (a) Each unaffiliated candidate for governor shall, before 5 p.m. no later than July 1
5749 of the regular general election year, select a running mate to file as an unaffiliated candidate for
5750 the office of lieutenant governor.

5751 (b) The unaffiliated lieutenant governor candidate shall, [~~by~~] before 5 p.m. no later
5752 than July 1 of the regular general election year, file as an unaffiliated candidate by following
5753 the procedures and requirements of this part.

5754 (2) (a) Each unaffiliated candidate for president of the United States shall, before 5
5755 p.m. [~~on~~] no later than August 15 of a regular general election year, select a running mate to
5756 file as an unaffiliated candidate for the office of vice president of the United States.

5757 (b) Before 5 p.m. [~~on~~] no later than August 15 of a regular general election year, the
5758 unaffiliated candidate for vice president of the United States described in Subsection (2)(a)
5759 shall comply with the requirements of Subsection 20A-9-202(7).

5760 Section 88. Section **20A-9-601** is amended to read:

5761 **20A-9-601. Qualifying as a write-in candidate.**

5762 (1) (a) Except as provided in Subsection (1)(b), an individual who wishes to become a
5763 valid write-in candidate shall file a declaration of candidacy in person, or through a designated
5764 agent for a candidate for president or vice president of the United States, with the appropriate
5765 filing officer [~~not~~] before 5 p.m. no later than 60 days before the regular general election or a

5766 municipal general election in which the individual intends to be a write-in candidate.

5767 (b) (i) The provisions of this Subsection (1)(b) do not apply to an individual who files a
5768 declaration of candidacy for president of the United States.

5769 (ii) Subject to Subsection (2)(d), an individual may designate an agent to file a
5770 declaration of candidacy with the appropriate filing officer if:

5771 (A) the individual is located outside of the state during the entire filing period;

5772 (B) the designated agent appears in person before the filing officer; and

5773 (C) the individual communicates with the filing officer using an electronic device that
5774 allows the individual and filing officer to see and hear each other.

5775 (2) (a) The form of the declaration of candidacy for all offices, except president or vice
5776 president of the United States, is substantially as follows:

5777 "State of Utah, County of ____

5778 I, _____, declare my intention of becoming a candidate for the office of

5779 ____ for the ____ district (if applicable). I do solemnly swear that: I will meet the

5780 qualifications to hold the office, both legally and constitutionally, if selected; I reside at

5781 _____ in the City or Town of _____, Utah, Zip Code _____, Phone No. _____; I will

5782 not knowingly violate any law governing campaigns and elections; if filing via a designated

5783 agent, I will be out of the state of Utah during the entire candidate filing period; I will file all

5784 campaign financial disclosure reports as required by law; and I understand that failure to do so

5785 will result in my disqualification as a candidate for this office and rejection of any votes cast

5786 for me. The mailing address that I designate for receiving official election notices is

5787 _____.

5788 _____

5789 Subscribed and sworn before me this _____(month\day\year).

5790 Notary Public (or other officer qualified to administer oath)."

5791 (b) The form of the declaration of candidacy for president of the United States is
5792 substantially as follows:

5793 "State of Utah, County of ____

5794 I, _____, declare my intention of becoming a candidate for the office of the

5795 president of the United States. I do solemnly swear that: I will meet the qualifications to hold

5796 the office, both legally and constitutionally, if selected; I reside at _____ in the City

5797 or Town of _____, State _____, Zip Code _____, Phone No. _____; I will not knowingly violate
 5798 any law governing campaigns and elections. The mailing address that I designate for receiving
 5799 official election notices is _____. I designate _____ as
 5800 my vice presidential candidate.

5801 _____
 5802 Subscribed and sworn before me this _____(month\day\year).

5803 Notary Public (or other officer qualified to administer oath[.])."

5804 (c) A declaration of candidacy for a write-in candidate for vice president of the United
 5805 States shall be in substantially the same form as a declaration of candidacy described in
 5806 Subsection 20A-9-202(7).

5807 (d) An agent described in Subsection (1)(a) or (b) may not sign the form described in
 5808 Subsection (2)(a) or (b).

5809 (3) (a) The filing officer shall:

5810 (i) read to the candidate the constitutional and statutory requirements for the office; and

5811 (ii) ask the candidate whether or not the candidate meets the requirements.

5812 (b) If the candidate cannot meet the requirements of office, the filing officer may not
 5813 accept the write-in candidate's declaration of candidacy.

5814 (4) By November 1 of each regular general election year, the lieutenant governor shall
 5815 certify to each county clerk the names of all write-in candidates who filed their declaration of
 5816 candidacy with the lieutenant governor.

5817 Section 89. Section **20A-11-105** is amended to read:

5818 **20A-11-105. Deadline for payment of fine.**

5819 A person against whom the lieutenant governor imposes a fine under this chapter shall
 5820 pay the fine before 5 p.m. within 30 days after the day on which the lieutenant governor
 5821 imposes the fine.

5822 Section 90. Section **20A-11-601** is amended to read:

5823 **20A-11-601. Political action committees -- Registration -- Criminal penalty for**
 5824 **providing false information or accepting unlawful contribution.**

5825 (1) (a) ~~[Each]~~ Unless the political action committee has filed a notice of dissolution
 5826 under Subsection (4), each political action committee shall file a statement of organization with
 5827 the lieutenant governor's office ~~[by January 10 of each year, unless the political action~~

5828 ~~committee has filed a notice of dissolution under Subsection (4).];~~

5829 (i) before 5 p.m. on January 10 of each year; or

5830 (ii) electronically, before midnight on January 10 of each year.

5831 (b) If a political action committee is organized after the ~~[January 10 filing date]~~ filing
5832 deadline described in Subsection (1)(a), the political action committee shall file an initial

5833 statement of organization no later than seven days after:

5834 (i) receiving contributions totaling at least \$750; or

5835 (ii) distributing expenditures for political purposes totaling at least \$750.

5836 (c) Each political action committee shall deposit each contribution received in one or
5837 more separate accounts in a financial institution that are dedicated only to that purpose.

5838 (2) (a) Each political action committee shall designate two officers who have primary
5839 decision-making authority for the political action committee.

5840 (b) A person may not exercise primary decision-making authority for a political action
5841 committee who is not designated under Subsection (2)(a).

5842 (3) The statement of organization shall include:

5843 (a) the name and address of the political action committee;

5844 (b) the name, street address, phone number, occupation, and title of the two primary
5845 officers designated under Subsection (2)(a);

5846 (c) the name, street address, occupation, and title of all other officers of the political
5847 action committee;

5848 (d) the name and street address of the organization, individual corporation, association,
5849 unit of government, or union that the political action committee represents, if any;

5850 (e) the name and street address of all affiliated or connected organizations and their
5851 relationships to the political action committee;

5852 (f) the name, street address, business address, occupation, and phone number of the
5853 committee's treasurer or chief financial officer; and

5854 (g) the name, street address, and occupation of each member of the governing and
5855 advisory boards, if any.

5856 (4) (a) Any registered political action committee that intends to permanently cease
5857 operations shall file a notice of dissolution with the lieutenant governor's office.

5858 (b) Any notice of dissolution filed by a political action committee does not exempt that

5859 political action committee from complying with the financial reporting requirements of this
5860 chapter.

5861 (5) (a) Unless the political action committee has filed a notice of dissolution under
5862 Subsection (4), a political action committee shall file, with the lieutenant governor's office,
5863 notice of any change of an officer described in Subsection (2)(a).

5864 (b) ~~[Notice]~~ A political action committee shall file a notice of a change of a primary
5865 officer described in Subsection (2)(a) ~~[shall]~~:

5866 (i) ~~[be filed within 10 days of the date of the change]~~ before 5 p.m. within 10 days after
5867 the day on which the change occurs; and

5868 (ii) ~~[contain]~~ that includes the name and title of the officer being replaced, and the
5869 name, street address, occupation, and title of the new officer.

5870 (6) (a) A person is guilty of providing false information in relation to a political action
5871 committee if the person intentionally or knowingly gives false or misleading material
5872 information in the statement of organization or the notice of change of primary officer.

5873 (b) Each primary officer designated in Subsection (2)(a) is guilty of accepting an
5874 unlawful contribution if the political action committee knowingly or recklessly accepts a
5875 contribution from a corporation that:

5876 (i) was organized less than 90 days before the date of the general election; and

5877 (ii) at the time the political action committee accepts the contribution, has failed to file
5878 a statement of organization with the lieutenant governor's office as required by Section
5879 20A-11-704.

5880 (c) A violation of this Subsection (6) is a third degree felony.

5881 Section 91. Section **20A-11-801** is amended to read:

5882 **20A-11-801. Political issues committees -- Registration -- Criminal penalty for**
5883 **providing false information or accepting unlawful contribution.**

5884 (1) (a) ~~[Each]~~ Unless the political issues committee has filed a notice of dissolution
5885 under Subsection (4), each political issues committee shall file a statement of organization with
5886 the lieutenant governor's office ~~[by January 10 of each year, unless the political issues~~
5887 ~~committee has filed a notice of dissolution under Subsection (4).];~~

5888 (i) before 5 p.m. on January 10 of each year; or

5889 (ii) electronically, before midnight on January 10 of each year.

(b) If a political issues committee is organized after the ~~[January 10 filing date]~~ filing deadline described in Subsection (1)(a), the political issues committee shall file an initial statement of organization no later than seven days after:

(i) receiving political issues contributions totaling at least \$750; or

(ii) disbursing political issues expenditures totaling at least \$750.

(c) Each political issues committee shall deposit each contribution received into one or more separate accounts in a financial institution that are dedicated only to that purpose.

(2) Each political issues committee shall designate two officers that have primary decision-making authority for the political issues committee.

(3) The statement of organization shall include:

(a) the name and street address of the political issues committee;

(b) the name, street address, phone number, occupation, and title of the two primary officers designated under Subsection (2);

(c) the name, street address, occupation, and title of all other officers of the political issues committee;

(d) the name and street address of the organization, individual, corporation, association, unit of government, or union that the political issues committee represents, if any;

(e) the name and street address of all affiliated or connected organizations and their relationships to the political issues committee;

(f) the name, street address, business address, occupation, and phone number of the committee's treasurer or chief financial officer;

(g) the name, street address, and occupation of each member of the supervisory and advisory boards, if any; and

(h) the ballot proposition whose outcome they wish to affect, and whether they support or oppose it.

(4) (a) Any registered political issues committee that intends to permanently cease operations during a calendar year shall:

(i) dispose of all remaining funds by returning the funds to donors or donating the funds to an organization that is exempt from federal income taxation under Section 501(c)(3), Internal Revenue Code; and

(ii) after complying with Subsection (4)(a)(i), file a notice of dissolution with the

5921 lieutenant governor's office.

5922 (b) Any notice of dissolution filed by a political issues committee does not exempt that
5923 political issues committee from complying with the financial reporting requirements of this
5924 chapter.

5925 (5) (a) Unless the political issues committee has filed a notice of dissolution under
5926 Subsection (4), a political issues committee shall file, with the lieutenant governor's office,
5927 notice of any change of an officer described in Subsection (2).

5928 (b) ~~[Notice]~~ A political issues committee shall file a notice of a change of a primary
5929 officer described in Subsection (2) ~~[shall]~~:

5930 (i) ~~[be filed within 10 days of the date of the change]~~ before 5 p.m. within 10 days after
5931 the day on which the change occurs; and

5932 (ii) ~~[contain]~~ that includes the name and title of the officer being replaced and the
5933 name, street address, occupation, and title of the new officer.

5934 (6) (a) A person is guilty of providing false information in relation to a political issues
5935 committee if the person intentionally or knowingly gives false or misleading material
5936 information in the statement of organization or the notice of change of primary officer.

5937 (b) Each primary officer designated in Subsection (2) is guilty of accepting an unlawful
5938 contribution if the political issues committee knowingly or recklessly accepts a contribution
5939 from a corporation that:

5940 (i) was organized less than 90 days before the date of the general election; and

5941 (ii) at the time the political issues committee accepts the contribution, has failed to file
5942 a statement of organization with the lieutenant governor's office as required by Section
5943 20A-11-704.

5944 (c) A violation of this Subsection (6) is a third degree felony.

5945 Section 92. Section **20A-12-305** is amended to read:

5946 **20A-12-305. Judicial retention election candidates -- Financial reporting**
5947 **requirements -- Interim report.**

5948 (1) The judge's personal campaign committee shall file an interim report with the
5949 lieutenant governor ~~[before the close of regular office hours]~~ on the date seven days before the
5950 regular general election date.

5951 (2) Each interim report shall include the following information:

(a) a detailed listing of each contribution received since the last financial statement;
(b) for each nonmonetary contribution, the fair market value of the contribution;
(c) a detailed listing of each expenditure made since the last summary report;
(d) for each nonmonetary expenditure, the fair market value of the expenditure; and
(e) a net balance for the year consisting of all contributions since the last summary report minus all expenditures since the last summary report.

(3) (a) For all individual contributions of \$50 or less, a single aggregate figure may be reported without separate detailed listings.

(b) Two or more contributions from the same source that have an aggregate total of more than \$50 may not be reported in the aggregate, but shall be reported separately.

(4) In preparing each interim report, all contributions and expenditures shall be reported as of five days before the required filing date of the report.

(5) A negotiable instrument or check received by a judge or the judge's personal campaign committee more than five days before the required filing date of a report required by this section shall be included in the interim report.

Section 93. Section **20A-13-301** is amended to read:

20A-13-301. Presidential elections -- Effect of vote.

(1) (a) Each registered political party shall choose persons to act as presidential electors and to fill vacancies in the office of presidential electors for their party's candidates for President and Vice President according to the procedures established in their bylaws.

(b) Each registered political party shall certify to the lieutenant governor the names and addresses of the persons selected by the political party as the party's presidential electors ~~[by]~~ before 5 p.m. no later than August 31.

(2) The highest number of votes cast for a political party's president and vice president candidates elects the presidential electors selected by that political party.

Section 94. Section **20A-14-202** is amended to read:

20A-14-202. Local boards of education -- Membership -- When elected -- Qualifications -- Avoiding conflicts of interest.

(1) (a) Except as provided in Subsection (1)(b), the board of education of a school district with a student population of up to 24,000 students shall consist of five members.

(b) The board of education of a school district with a student population of more than

5983 10,000 students but fewer than 24,000 students shall increase from five to seven members
5984 beginning with the 2004 regular general election.

5985 (c) The board of education of a school district with a student population of 24,000 or
5986 more students shall consist of seven members.

5987 (d) Student population is based on the October 1 student count submitted by districts to
5988 the State Board of Education.

5989 (e) If the number of members of a local school board is required to change under
5990 Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in
5991 Sections 20A-14-201 and 20A-14-203.

5992 (f) A school district which now has or increases to a seven-member board shall
5993 maintain a seven-member board regardless of subsequent changes in student population.

5994 (g) (i) Members of a local board of education shall be elected at each regular general
5995 election.

5996 (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local
5997 board of education may be elected to a five-member board, nor more than four members
5998 elected to a seven-member board, in any election year.

5999 (iii) More than three members of a local board of education may be elected to a
6000 five-member board and more than four members elected to a seven-member board in any
6001 election year only when required by reapportionment or to fill a vacancy or to implement
6002 Subsection (1)(b).

6003 (h) One member of the local board of education shall be elected from each local school
6004 board district.

6005 (2) (a) ~~[For an election held after the 2008 general election, a person]~~ An individual
6006 seeking election to a local school board shall have been a resident of the local school board
6007 district in which the person is seeking election for at least one year ~~[as of the date]~~ immediately
6008 preceding the day of the general election at which the board position will be filled.

6009 (b) A person who has resided within the local school board district, as the boundaries
6010 of the district exist on the date of the general election, for one year immediately preceding the
6011 date of the election shall be considered to have met the requirements of this Subsection (2).

6012 (3) A member of a local school board shall:

6013 (a) be and remain a registered voter in the local school board district from which the

6014 member is elected or appointed; and

6015 (b) maintain the member's primary residence within the local school board district from
6016 which the member is elected or appointed during the member's term of office.

6017 (4) A member of a local school board may not, during the member's term in office, also
6018 serve as an employee of that board.

6019 Section 95. Section **20A-15-103** is amended to read:

6020 **20A-15-103. Delegates -- Candidacy -- Qualifications -- Nominating procedures.**

6021 (1) Candidates for the office of delegate to the ratification convention shall be citizens,
6022 residents of Utah, and at least 21 years old.

6023 (2) Persons wishing to be delegates to the ratification convention shall:

6024 (a) circulate a nominating petition meeting the requirements of this section; and

6025 (b) obtain the signature of at least 100 registered voters.

6026 (3) (a) A single nominating petition may nominate any number of candidates up to 21,
6027 the total number of delegates to be elected.

6028 (b) Nominating petitions may not contain anything identifying a candidate's party or
6029 political affiliation.

6030 (c) Each nominating petition shall contain a written statement signed by each nominee,
6031 indicating either that the candidate will:

6032 (i) vote for ratification of the proposed amendment; or

6033 (ii) vote against ratification of the proposed amendment.

6034 (d) A nominating petition containing the names of more than one nominee may not
6035 contain the name of any nominee whose stated position in the nominating petition is
6036 inconsistent with that of any other nominee listed in the petition.

6037 (4) (a) Candidates shall file their nominating petitions with the lieutenant governor [at
6038 ~~least~~] before 5 p.m. no later than 40 days before the proclaimed date of the election.

6039 (b) Within 10 days after the last day for filing the petitions, the lieutenant governor
6040 shall:

6041 (i) declare nominated the 21 nominees in favor of ratification and the 21 nominees
6042 against ratification whose nominating petitions have been signed by the largest number of
6043 registered voters;

6044 (ii) decide any ties by lot drawn by the lieutenant governor; and

(iii) certify the nominated candidates of each group to the county clerk of each county within the state.

Section 96. Section **20A-16-403** is amended to read:

20A-16-403. Transmission of unvoted ballots.

(1) For an election for which the state has not received a waiver pursuant to the Military and Overseas Voter Empowerment Act, Sec. 579, 42 U.S.C. 1973ff-1(g)(2), not later than 45 days before the election or, notwithstanding Section [~~20A-1-401~~] 20A-1-104, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit a ballot and balloting materials to all covered voters who by that date submit a valid military-overseas ballot application.

(2) (a) A covered voter who requests that a ballot and balloting materials be sent to the voter by electronic transmission may choose:

(i) facsimile transmission;

(ii) email delivery; or

(iii) if offered by the voter's jurisdiction, Internet delivery.

(b) The election official in each jurisdiction charged with distributing a ballot and balloting materials shall transmit the ballot and balloting materials to the voter using the means of transmission chosen by the voter.

(3) If a ballot application from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to voters, the official charged with distributing a ballot and balloting materials shall transmit them to the voter not later than two business days after the application arrives.

Section 97. Section **62A-5-202.5** is amended to read:

62A-5-202.5. Utah State Developmental Center Board -- Creation -- Membership -- Duties -- Powers.

(1) There is created the Utah State Developmental Center Board within the Department of Human Services.

(2) The board is composed of nine members as follows:

(a) the director of the division or the director's designee;

(b) the superintendent of the developmental center or the superintendent's designee;

6076 (c) the executive director of the Department of Human Services or the executive
6077 director's designee;

6078 (d) a resident of the developmental center selected by the superintendent; and

6079 (e) five members appointed by the governor with the advice and consent of the Senate
6080 as follows:

6081 (i) three members of the general public; and

6082 (ii) two members who are parents or guardians of individuals who receive services at
6083 the developmental center.

6084 (3) In making appointments to the board, the governor shall ensure that:

6085 (a) no more than three members have immediate family residing at the developmental
6086 center; and

6087 (b) members represent a variety of geographic areas and economic interests of the state.

6088 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a
6089 term of four years.

6090 (b) An appointed member may not serve more than two full consecutive terms unless
6091 the governor determines that an additional term is in the best interest of the state.

6092 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,
6093 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
6094 of appointed members are staggered so that approximately half of the appointed members are
6095 appointed every two years.

6096 (d) Appointed members shall continue in office until the expiration of their terms and
6097 until their successors are appointed, which may not exceed 120 days after the formal expiration
6098 of a term.

6099 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
6100 appointed for the unexpired term.

6101 (5) (a) The director shall serve as the chair.

6102 (b) The board shall appoint a member to serve as vice chair.

6103 (c) The board shall hold meetings quarterly or as needed.

6104 (d) Five members are necessary to constitute a quorum at any meeting, and, if a
6105 quorum exists, the action of the majority of members present shall be the action of the board.

6106 (e) The chair shall be a non-voting member except that the chair may vote to break a tie

6107 vote between the voting members.

6108 (6) An appointed member may not receive compensation or benefits for the member's
6109 service, but, at the executive director's discretion, may receive per diem and travel expenses in
6110 accordance with:

6111 (a) Section 63A-3-106;

6112 (b) Section 63A-3-107; and

6113 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6114 63A-3-107.

6115 (7) (a) The board shall adopt bylaws governing the board's activities.

6116 (b) Bylaws shall include procedures for removal of a member who is unable or
6117 unwilling to fulfill the requirements of the member's appointment.

6118 (8) The board shall:

6119 (a) act for the benefit of the developmental center and the division;

6120 (b) advise and assist the division with the division's functions, operations, and duties
6121 related to the developmental center, described in Sections 62A-5-102, 62A-5-103, 62A-5-201,
6122 62A-5-203, and 62A-5-206;

6123 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as
6124 described in Section 62A-5-206.5;

6125 (d) administer the Utah State Developmental Center Land Fund, as described in
6126 Section 62A-5-206.6;

6127 (e) approve the sale, lease, or other disposition of real property or water rights
6128 associated with the developmental center, as described in Subsection 62A-5-206.6(5); and

6129 (f) within 21 days after the day on which the board receives the notice required under
6130 Subsection 10-2-419[(2)](3)(d), provide a written opinion regarding the proposed boundary
6131 adjustment to:

6132 (i) the director of the Division of Facilities and Construction Management; and

6133 (ii) the Legislative Management Committee.

6134 Section 98. Section **63A-5-204** is amended to read:

6135 **63A-5-204. Specific powers and duties of director.**

6136 (1) As used in this section, "capitol hill facilities" and "capitol hill grounds" have the
6137 same meaning as provided in Section 63C-9-102.

6138 (2) (a) The director shall:

6139 (i) recommend rules to the executive director for the use and management of facilities

6140 and grounds owned or occupied by the state for the use of its departments and agencies;

6141 (ii) supervise and control the allocation of space, in accordance with legislative

6142 directive through annual appropriations acts or other specific legislation, to the various

6143 departments, commissions, institutions, and agencies in all buildings or space owned, leased, or

6144 rented by or to the state, except capitol hill facilities and capitol hill grounds and except as

6145 otherwise provided by law;

6146 (iii) comply with the procedures and requirements of Title 63A, Chapter 5, Part 3,

6147 Division of Facilities Construction and Management Leasing;

6148 (iv) except as provided in Subsection (2)(b), acquire, as authorized by the Legislature

6149 through the appropriations act or other specific legislation, and hold title to, in the name of the

6150 division, all real property, buildings, fixtures, or appurtenances owned by the state or any of its

6151 agencies;

6152 (v) collect and maintain all deeds, abstracts of title, and all other documents evidencing

6153 title to or interest in property belonging to the state or any of its departments, except

6154 institutions of higher education and the School and Institutional Trust Lands Administration;

6155 (vi) report all properties acquired by the state, except those acquired by institutions of

6156 higher education, to the director of the Division of Finance for inclusion in the state's financial

6157 records;

6158 (vii) before charging a rate, fee, or other amount for services provided by the division's

6159 internal service fund to an executive branch agency, or to a subscriber of services other than an

6160 executive branch agency:

6161 (A) submit the proposed rates, fees, and cost analysis to the Rate Committee

6162 established in Section 63A-1-114; and

6163 (B) obtain the approval of the Legislature as required by Section 63J-1-410;

6164 (viii) conduct a market analysis by July 1, 2005, and periodically thereafter, of

6165 proposed rates and fees, which analysis shall include a comparison of the division's rates and

6166 fees with the fees of other public or private sector providers where comparable services and

6167 rates are reasonably available;

6168 (ix) implement the State Building Energy Efficiency Program under Section

6169 63A-5-701;

6170 (x) convey, lease, or dispose of the real property or water rights associated with the

6171 Utah State Developmental Center according to the Utah State Developmental Center Board's

6172 determination, as described in Subsection 62A-5-206.6(5);

6173 (xi) after receiving the notice required under Subsection 10-2-419[(2)](3)(d), file a

6174 written protest at or before the public hearing required under Subsection

6175 10-2-419[(2)(b)](3)(d), if:

6176 (A) it is in the best interest of the state to protest the boundary adjustment; or

6177 (B) the Legislature instructs the director to protest the boundary adjustment; and

6178 (xii) take all other action necessary for carrying out the purposes of this chapter.

6179 (b) Legislative approval is not required for acquisitions by the division that cost less

6180 than \$250,000.

6181 (3) (a) The director shall direct or delegate maintenance and operations, preventive

6182 maintenance, and facilities inspection programs and activities for any agency, except:

6183 (i) the State Capitol Preservation Board; and

6184 (ii) state institutions of higher education.

6185 (b) The director may choose to delegate responsibility for these functions only when

6186 the director determines that:

6187 (i) the agency has requested the responsibility;

6188 (ii) the agency has the necessary resources and skills to comply with facility

6189 maintenance standards approved by the State Building Board; and

6190 (iii) the delegation would result in net cost savings to the state as a whole.

6191 (c) The State Capitol Preservation Board and state institutions of higher education are

6192 exempt from Division of Facilities Construction and Management oversight.

6193 (d) Each state institution of higher education shall comply with the facility

6194 maintenance standards approved by the State Building Board.

6195 (e) Except for the State Capitol Preservation Board, agencies and institutions that are

6196 exempt from division oversight shall annually report their compliance with the facility

6197 maintenance standards to the division in the format required by the division.

6198 (f) The division shall:

6199 (i) prescribe a standard format for reporting compliance with the facility maintenance

6200 standards;

6201 (ii) report agency compliance or noncompliance with the standards to the Legislature;

6202 and

6203 (iii) conduct periodic audits of exempt agencies and institutions to ensure that they are

6204 complying with the standards.

6205 (4) (a) In making any allocations of space under Subsection (2), the director shall:

6206 (i) conduct studies to determine the actual needs of each agency; and

6207 (ii) comply with the restrictions contained in this Subsection (4).

6208 (b) The supervision and control of the legislative area is reserved to the Legislature.

6209 (c) The supervision and control of the judicial area is reserved to the judiciary for trial

6210 courts only.

6211 (d) The director may not supervise or control the allocation of space for entities in the

6212 public and higher education systems.

6213 (e) The supervision and control of capitol hill facilities and capitol hill grounds is

6214 reserved to the State Capitol Preservation Board.

6215 (5) The director may:

6216 (a) hire or otherwise procure assistance and services, professional, skilled, or

6217 otherwise, that are necessary to carry out the director's responsibilities, and may expend funds

6218 provided for that purpose either through annual operating budget appropriations or from

6219 nonlapsing project funds;

6220 (b) sue and be sued in the name of the division; and

6221 (c) hold, buy, lease, and acquire by exchange or otherwise, as authorized by the

6222 Legislature, whatever real or personal property that is necessary for the discharge of the

6223 director's duties.

6224 (6) Notwithstanding the provisions of Subsection (2)(a)(iv), the following entities may

6225 hold title to any real property, buildings, fixtures, and appurtenances held by them for purposes

6226 other than administration that are under their control and management:

6227 (a) the Office of Trust Administrator;

6228 (b) the Department of Transportation;

6229 (c) the Division of Forestry, Fire, and State Lands;

6230 (d) the Department of Natural Resources;

6231 (e) the Utah National Guard;

6232 (f) any area vocational center or other institution administered by the State Board of

6233 Education;

6234 (g) any institution of higher education; and

6235 (h) the Utah Science Technology and Research Governing Authority.

6236 (7) The director shall ensure that any firm performing testing and inspection work

6237 governed by the American Society for Testing Materials Standard E-329 on public buildings

6238 under the director's supervision shall:

6239 (a) fully comply with the American Society for Testing Materials standard

6240 specifications for agencies engaged in the testing and inspection of materials known as ASTM

6241 E-329; and

6242 (b) carry a minimum of \$1,000,000 of errors and omissions insurance.

6243 (8) Notwithstanding Subsections (2)(a)(iii) and (iv), the School and Institutional Trust

6244 Lands Administration may hold title to any real property, buildings, fixtures, and appurtenances

6245 held by it that are under its control.

6246 Section 99. Section **63I-2-210** is amended to read:

6247 **63I-2-210. Repeal dates -- Title 10.**

6248 (1) On July 1, 2018, the following are repealed:

6249 (a) in Subsection 10-2-403(5), the language that states "10-2a-302 or";

6250 (b) in Subsection 10-2-403(5)(b), the language that states "10-2a-302 or";

6251 (c) in Subsection 10-2a-106(2), the language that states "10-2a-302 or";

6252 (d) Section 10-2a-302;

6253 (e) Subsection 10-2a-302.5(2)(a);

6254 (f) in Subsection 10-2a-303(1), the language that states "10-2a-302 or";

6255 (g) in Subsection 10-2a-303[~~(4)~~](5), the language that states "10-2a-302(7)(b)(v) or"

6256 and "10-2a-302(7)(b)(iv) or";

6257 (h) in Subsection 10-2a-304(1)(a), the language that states "10-2a-302 or"; and

6258 (i) in Subsection 10-2a-304(1)(a)(ii), the language that states "Subsection 10-2a-302(5)

6259 or".

6260 (2) Subsection 10-9a-304(2) is repealed June 1, 2020.

6261 (3) When repealing Subsection 10-9a-304(2), the Office of Legislative Research and

6262 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
6263 necessary changes to subsection numbering and cross references.

6264 Section 100. Section **63I-2-220** is amended to read:

6265 **63I-2-220. Repeal dates -- Title 20A.**

6266 (1) Subsection 20A-5-803(8) is repealed July 1, 2023.

6267 (2) Section 20A-5-804 is repealed July 1, 2023.

6268 (3) On January 1, 2019, Subsections 20A-6-107(2) and (4) are repealed and the
6269 remaining subsections, and references to those subsections, are renumbered accordingly.

6270 (4) On July 1, 2018, in Subsection 20A-11-101(21), the language that states "
6271 10-2a-302," is repealed.

6272 (5) On January 1, 2026:

6273 (a) In Subsection 20A-1-102(23)(a), the language that states "or Title 20A, Chapter 4,
6274 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

6275 (b) In Subsections 20A-1-303(1)(a) and (b), the language that states "Except as
6276 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
6277 repealed.

6278 (c) In Section 20A-1-304, the language that states "Except for a race conducted by
6279 instant runoff voting under Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods
6280 Pilot Project," is repealed.

6281 (d) In Subsection 20A-3-105(1)(a), the language that states "Except as provided in
6282 Subsection (5)," is repealed.

6283 (e) In Subsections 20A-3-105(1)(b), (3)(b), and (4)(b), the language that states "Except
6284 as provided in Subsections (5) and (6)," is repealed.

6285 (f) In Subsections 20A-3-105(2)(a)(i), (3)(a), and (4)(a), the language that states
6286 "Subject to Subsection (5)," is repealed.

6287 (g) Subsection 20A-3-105(5) is repealed and the remaining subsections in Section
6288 20A-3-105 are renumbered accordingly.

6289 (h) In Subsection 20A-4-101(2)(c), the language that states "Except as provided in
6290 Subsection (2)(f)," is repealed.

6291 (i) Subsection 20A-4-101(2)(f) is repealed.

6292 (j) Subsection 20A-4-101(4) is repealed and replaced with the following:

6293 "(4) To resolve questions that arise during the counting of ballots, a counting judge
6294 shall apply the standards and requirements of Section 20A-4-105."

6295 (k) In Subsection 20A-4-102(1)(a), the language that states "or a rule made under
6296 Subsection 20A-4-101(2)(f)(i)" is repealed.

6297 (l) Subsection 20A-4-102(1)(b) is repealed and replaced with the following:

6298 "(b) To resolve questions that arise during the counting of ballots, a counting judge
6299 shall apply the standards and requirements of Section 20A-4-105."

6300 (m) In Subsection 20A-4-102(6)(a), the language that states ", except as provided in
6301 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, or a rule made
6302 under Subsection 20A-4-101(2)(f)(i)" is repealed.

6303 (n) In Subsection 20A-4-105(1)(a), the language that states ", except as otherwise
6304 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
6305 repealed.

6306 (o) In Subsection 20A-4-105(2), the language that states "Subsection 20A-3-105(5), or
6307 Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

6308 (p) In Subsections 20A-4-105(3), (5), and (12), the language that states "Except as
6309 otherwise provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot
6310 Project," is repealed.

6311 (q) In Subsection 20A-4-106(1)(a)(ii), the language that states "or Title 20A, Chapter
6312 4, Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.

6313 (r) In Subsection 20A-4-304(1)(a), the language that states "except as provided in Title
6314 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.

6315 (s) Subsection 20A-4-304~~[(2)(a)(v)]~~(2)(e) is repealed and replaced with the following:
6316 "(v) from each voting precinct:

6317 (A) the number of votes for each candidate; and

6318 (B) the number of votes for and against each ballot proposition;"

6319 (t) Subsection 20A-4-401(1)(a) is repealed, the remaining subsections in Subsection (1)
6320 are renumbered accordingly, and the cross-references to those subsections are renumbered
6321 accordingly.

6322 (u) Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project, is
6323 repealed.

- 6324 (v) Subsection 20A-5-404(3)(b) is repealed and the remaining subsections in
6325 Subsection (3) are renumbered accordingly.
- 6326 (w) Subsection 20A-5-404(4)(b) is repealed and the remaining subsections in
6327 Subsection (4) are renumbered accordingly.
- 6328 (x) Section 20A-6-203.5 is repealed.
- 6329 (y) In Subsections 20A-6-402(1), (2), (3), and (4), the language that states "Except as
6330 otherwise required for a race conducted by instant runoff voting under Title 20A, Chapter 4,
6331 Part 6, Municipal Alternate Voting Methods Pilot Project," is repealed.
- 6332 (z) In Subsection 20A-9-404(1)(a), the language that states "or Title 20A, Chapter 4,
6333 Part 6, Municipal Alternate Voting Methods Pilot Project" is repealed.
- 6334 (aa) In Subsection 20A-9-404(2), the language that states "Except as otherwise
6335 provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting Methods Pilot Project," is
6336 repealed.